

CHAPTER 49.04 RCW and CHAPTER 296-05 WAC CFR Title 29 Part 29 and Part 30

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CHAPTER 49.04 RCW

APPRENTICESHIP ACT

NOTES:

Apprenticeship agreements, inmates of state school for girls (Maple Lane school):
RCW 72.20.090.

Child labor: RCW 26.28.060, 26.28.070.

RCW 49.04.010 Apprenticeship council created - Composition - Terms - Compensation - Duties.

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of the public member is subject to confirmation by the senate. Each member shall hold office until a successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. A designated representative from each of the following: The work force training and education coordinating board, state board for community and technical colleges, employment security department, and United States department of labor, apprenticeship, training, employer, and labor services, shall be ex officio members of the apprenticeship council. Ex officio members shall have no vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council is authorized to approve apprenticeship programs, and establish apprenticeship program standards as rules, including requirements for apprentice-related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications. The council shall consider recommendations from the state board for community and technical colleges on matters of apprentice-related and supplemental instruction, coordination of instruction with job experiences, and instructor qualifications. The rules for apprenticeship instructor qualifications shall either be by reference or reasonably similar to the applicable requirements established by or pursuant to chapter 28B.50 RCW. The council is further authorized to issue such rules as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur, and perform such other duties as are hereinafter imposed.

Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

RCW 49.04.030 Supervisor of apprenticeship - Duties.

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall:

- (1) Encourage and promote apprenticeship programs conforming to the standards established under this chapter, and in harmony with the policies of the United States department of labor;
- (2) act as secretary of the apprenticeship council and of state apprenticeship committees;
- (3) when authorized by the apprenticeship council, register apprenticeship agreements that are in the best interests of the apprentice and conform with standards established under this chapter;
- (4) keep a record of apprenticeship agreements and upon successful completion issue certificates of completion of apprenticeship; and
- (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of the agreements.

The supervisor may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the supervisor of apprenticeship in the execution of the supervisor's functions under this chapter.

NOTES:

Rehabilitation services for individuals with disabilities: Chapter 74.29 RCW.

RCW 49.04.040 Apprenticeship committees - Composition - Duties.

Upon July 22, 2001, all newly approved apprenticeship programs must be represented by either a unilateral or joint apprenticeship committee. Apprenticeship committees must conform to this chapter, the rules adopted by the apprenticeship council, and 29 C.F.R. Part 29 and must be approved by the apprenticeship council. Apprenticeship committees may be approved whenever the apprentice training needs justify such establishment. Such apprenticeship committees shall be composed of an equal number of employer and employee representatives who may be chosen:

- (1) From names submitted by the respective local or state employer and employee organizations served by the apprenticeship committee; or
- (2) In a manner which selects representatives of management and nonmanagement served by the apprenticeship committee. The council may act as the apprentice representative when the council determines there is no feasible method to choose nonmanagement representatives.

Apprenticeship committees shall devise standards for apprenticeship programs and operate such programs in accordance with the standards established by this chapter and by council-adopted rules. The council and supervisor may provide aid and technical assistance to apprenticeship program sponsors and applicants, or

potential applicants.

RCW 49.04.050 Apprenticeship program standards.

To be eligible for registration, apprenticeship program standards must conform to the rules adopted by the apprenticeship council.

RCW 49.04.060 Apprenticeship agreements.

For the purposes of this chapter an apprenticeship agreement is a written agreement between an apprentice and either the apprentice's employer or employers, or an apprenticeship committee acting as agent for an employer or employers, containing the terms and conditions of the employment and training of the apprentice.

RCW 49.04.070 Limitation.

The provisions of this chapter shall apply to a person, firm, corporation or craft only after such person, firm, corporation or craft has voluntarily elected to conform with its provisions.

RCW 49.04.080 On-the-job training agreements and projects - Supervisor to promote.

Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor of apprenticeship shall encourage and promote the making of such other types of on-the-job training agreements and projects, in addition to apprenticeship agreements, as the supervisor shall find meritorious.

RCW 49.04.090 On-the-job training agreements and projects - Agreements with federal agencies.

The director of labor and industries shall have authority to enter into and perform, through the supervisor of apprenticeship, agreements with appropriate federal departments or agencies for the development, administration and servicing of on-the-job training projects. Further, the director of labor and industries, through the supervisor of apprenticeship, shall have power to receive and administer funds provided by the federal government for such purposes.

RCW 49.04.100 Apprenticeship programs - Civil rights act advancement.

As provided by the rules adopted by the apprenticeship council, apprenticeship programs entered into under authority of this chapter with five or more apprentices shall conform with 29 C.F.R. Part 30 to the extent required by federal law while advancing the nondiscriminatory principles of the Washington state civil rights act, RCW 49.60.400.]

NOTES:

Purpose--Construction--1990 c 72; 1969 ex.s. c 183: "It is the policy of the legislature and the purpose of this act to provide every citizen in this state a reasonable opportunity to enjoy employment and other associated rights, benefits, privileges, and to help women and racial minorities realize in a greater measure the goals upon which this nation and this state were founded. All the provisions of this act shall be liberally construed to achieve these ends, and administered and enforced with a view to carry out the above declaration of policy."

Severability--1969 ex.s. c 183: "If any provision of this 1969 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."

RCW 49.04.110 Woman and racial minority representation in apprenticeship programs - Noncompliance.

When it shall appear to the department of labor and industries that any apprenticeship program referred to in RCW 49.04.100 has failed to comply with the woman or racial minority representation requirement hereinabove in such section referred to by January 1, 1970, which fact shall be determined by reports the department may request or in such other manner as it shall see fit, then the same shall be deemed prima facie evidence of noncompliance with RCW 49.04.100 through 49.04.130 and thereafter no state funds or facilities shall be expended upon such program: PROVIDED, That prior to such withdrawal of funds evidence shall be received and state funds or facilities shall not be denied if there is a showing of a genuine effort to comply with the provisions of RCW 49.04.100 through 49.04.130 as to entrance of women and racial minorities into the program. The director shall notify the appropriate federal authorities if there is noncompliance with the woman and racial minority representation qualification under any apprenticeship program as provided for in RCW 49.04.100 through 49.04.130.

RCW 49.04.120 Woman and racial minority representation - Community colleges, vocational, or high schools to enlist woman and racial minority representation in apprenticeship programs.

Every community college, vocational school, or high school carrying on a program of vocational education shall make every effort to enlist woman and racial minority representation in the apprenticeship programs within the state and are authorized to carry out such purpose in such ways as they shall see fit.

RCW 49.04.130 Woman and racial minority representation - Employer and employee organizations, apprenticeship council and committees, etc., to enlist woman and racial minority representation in apprenticeship programs.

Every employer and employee organization as well as the apprenticeship council and local and state apprenticeship committees and vocational schools shall make every effort to enlist woman and racial minority representation in the apprenticeship programs of the state and shall be aided therein by the department of labor and industries insofar as such department may be able to so do without undue interference with its other powers and duties. In addition, the legislature, in fulfillment of the public welfare, mandates those involved in apprenticeship training

with the responsibility of making every effort to see that woman and racial minority representatives in such programs pursue the same to a successful conclusion.

RCW 49.04.900 Severability--1941 c 231.

If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, and the application of such provision to other persons and circumstances, shall not be affected thereby.

RCW 49.04.910 Chapter not affected by certain laws against discrimination in employment because of age.

The amendments made by chapter 100, Laws of 1961 shall not be construed as modifying chapter 231, Laws of 1941 as amended, or as applying to any standards established thereunder or employment pursuant to any bona fide agreements entered into thereunder.

CHAPTER 296-05 WAC

APPRENTICESHIP RULES

WAC 296-05-001 Purpose, scope, and authority.

- (1) The Washington State Apprenticeship and Training Act (chapter 49.04 RCW) establishes the Washington state apprenticeship and training council (WSATC) and designates as its administrative arm the apprenticeship section of the department of labor and industries. The WSATC, acting in compliance with chapter 49.04 RCW, 29 CFR Part 29 and 29 CFR Part 30, has adopted these rules to:
 - (a) Establish operating procedures for the WSATC;
 - (b) Establish standards for apprenticeship programs;
 - (c) Implement the intent and purpose of the Washington State Apprenticeship and Training Act;
 - (d) Perform other duties directed by the statute;
 - (e) Promote labor standards and the registration of approved programs to protect the welfare of the apprentice; and
 - (f) Encourage the establishment of apprenticeship programs and committees.
- (2) These rules are necessary to:
 - (a) Strengthen apprenticeship and training in the state of Washington;
 - (b) Facilitate approval and registration of apprenticeship and training programs;
 - (c) Explain factors related to apprenticeship and training in Washington state and federal laws;
 - (d) Establish procedures for presenting matters to the WSATC;
 - (e) Govern the WSATC's operation and ability to carry out its statutory obligations;
 - (f) Establish a specific procedure to resolve an impasse if a tie vote occurs on the WSATC; and
 - (g) Regulate registered apprenticeship and training programs.

WAC 296-05-003 Definitions.

The following definitions apply to this chapter:

Adjudicative proceeding: A proceeding before the WSATC in which an opportunity for a hearing before the WSATC is authorized by chapter 49.04 RCW or these rules before or after the entry of an order by the WSATC.

Apprentice: Is an individual who is employed to learn an apprenticeable occupation and is registered with a sponsor in an approved apprenticeship program according to chapter 49.04 RCW and these rules.

Apprenticeable occupation: Is a skilled trade(s) or craft(s) which has been recognized by the United States Department of Labor, Office of Apprenticeship, Training, Employer, and Labor Services or the WSATC and meets the criteria established in WAC 296-05-305.

Apprenticeship agreement: A written agreement between an apprentice and either the apprentice's employer(s), or an apprenticeship committee acting as agent for employer(s), containing the terms and conditions of the employment and training of the apprentice.

Apprenticeship committee: A quasi-public entity approved by the WSATC to perform apprenticeship and training services for employers and employees.

Apprenticeship program: A plan for administering an apprenticeship agreement(s). The plan must contain all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

Approved: Approved by the WSATC or a person or entity authorized by the WSATC to do so.

CFR: The Code of Federal Regulations.

Cancellation: The termination of the registration or approval status of a program at the request of the supervisor or sponsor. Cancellation also refers to the termination of an apprenticeship agreement at the request of the apprentice, supervisor, or sponsor.

Certificate of completion: A record of the successful completion of a term of apprenticeship (see WAC 296-05-323).

Certification: Written approval by the WSATC of:

- (1) A set of apprenticeship standards established by an apprenticeship program sponsor and substantially conforming to the standards established by the WSATC.
- (2) An individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.

Committee program: All apprenticeship programs as further described in WAC 296-05-309.

Competent instructor: An instructor who has demonstrated a satisfactory employment performance in his/her occupation or trade for a minimum of three years beyond the customary learning period for that trade or occupation.

Current instruction: The related/supplemental instructional content is and remains reasonably consistent with the latest trade practices, improvements, and technical advances.

Department: The department of labor and industries.

Employer: Any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice. "Employer" includes both union and open shop employers.

File: To send to:

Supervisor of Apprenticeship and Training
Department of Labor and Industries
Apprenticeship Section
Post Office Box 44530
Olympia, Washington 98504-4530

Or deliver to and receipt at:
Department of Labor and Industries
7273 Linderson Way SE
Tumwater, Washington 98501

Individual agreement: A written agreement between an apprentice and/or trainee and either the apprentice's employer or an apprenticeship committee acting as agent for the employer.

Industry wide standards: The current, acceptable trade practices, including technological advancements, that are being used in the different trades.

Journey level: An individual who has sufficient skills and knowledge of a trade, craft, or occupation, either through formal apprenticeship training or through practical on-the-job work experience, to be recognized by a state or federal registration agency and/or an industry as being fully qualified to perform the work of the trade, craft, or occupation. Practical experience must be equal to or greater than the term of apprenticeship.

On-the-job training program: A program that is set up in the same manner as an apprenticeship program with any exceptions authorized by the WSATC and as further described in WAC 296-05-311.

Notice: Where not otherwise specified, notice means posted in United States mail to the last known address of the person to be notified. Notice may be given by telefacsimile where copies are mailed simultaneously or by a commercial parcel delivery company.

Petitions, requests, and correspondence: Any written business brought before the WSATC (examples may include: (1) Requests for new committees (2) Requests for revisions to the standards; and (3) Appeals).

Probation:

- (1) **Initial:** The period following the apprentice's acceptance into the program which is limited in time by these rules and during which the apprentice's appeal rights are impaired.
- (2) **Disciplinary:** A time assessed when the apprentice's progress is not satisfactory. During this time the program sponsor may withhold periodic wage advancements, suspend or cancel the apprenticeship agreement, or take further disciplinary action. A disciplinary probation may only be assessed after the initial probation is completed. During the disciplinary probation, the apprentice has the right to file an appeal of the committee's action with the WSATC (as described in WAC 296-05-009).

RCW: The Revised Code of Washington.

Registration: Maintaining the records of apprenticeship and training agreements and of training standards.

Regular quarterly meeting: A public meeting held quarterly by the WSATC as described in WAC 296-05-200.

Related/supplemental instruction: Is instruction approved by the program sponsor and taught by an instructor approved by the program sponsor. Instructors must be competent in his/her trade or occupation. A sponsor must review related/supplemental instruction annually to insure that it is relevant and current.

Relevant instruction: Is related/supplemental instructional content that is directly required in and applicable to the performance of the apprentice's

work. Relevant does not mean academic course content taught by a solely academically qualified instructor except for courses approved by the committee or specified by state law.

Secretary: The individual appointed by the director of the department according to RCW 49.04.030.

Special meeting: A public meeting of the council as described in WAC 296-05-203.

Sponsor: Any person, firm, association, committee, or organization operating an apprenticeship and training program and in whose name the program is registered or is to be registered.

Standards: Is a written agreement containing specific provisions for operation and administration of the apprenticeship program and all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices, as further defined in WAC 296-05-316.

Supervision: The necessary education, assistance, and control provided by a journey-level employee that is on the same job site at least seventy-five percent of each working day, unless otherwise approved by the WSATC.

Supervisor: The individual appointed by the director of the department according to RCW 49.04.030 who acts as the secretary of the WSATC. Where these rules indicate a duty of the supervisor or secretary of the WSATC, the supervisor may designate a department of labor and industries' employee to assist in the performance of those duties subject to the supervisor's oversight and direction.

Trade: Any apprenticeable occupation defined by the apprenticeship, training, employer and labor services section of the United States Department of Labor and these rules.

Trainee: An individual registered with the supervisor according to WAC 296-05-311.

Training agent: Employer of registered apprentices approved by the program sponsor to furnish on-the-job training to satisfy the approved apprenticeship program standards who agrees to employ registered apprentices in that work process. The training agent shall use only registered apprentices to perform the work processes of the approved program standards.

Training agreement: A written agreement between a training agent and a program sponsor that contains the provisions of the apprenticeship program applicable to the training agent and the duties of the training agent in providing on-the-job training.

WAC: The Washington Administrative Code.

WSATC: The Washington state apprenticeship and training council

WAC 296-05-005 Rule development.

- (1) In developing and adopting rules, the WSATC:
 - (a) Seeks the cooperation and assistance of all interested persons, organizations, and agencies affected by its rules.
 - (b) Promotes the operation of apprenticeship programs to satisfy the needs of employers and employees for high quality training.
 - (c) Recognizes that rapid economic and technological changes require that workers must be trained to meet the demands of a changing

- marketplace.
- (d) Recognizes employers will benefit if graduates of state approved apprenticeship programs are skilled workers trained to industry wide standards rather than the exclusive standards of an individual employer or group of employers.
 - (e) Acknowledges that approved apprenticeship programs should be organized and administered to assure the maximum protection of apprentices' rights.
 - (f) Recognizes that the number of apprentices in a trade or group of trades in any geographic area must be sufficient to meet the needs of all employers and not be so large as to create an oversupply of apprentices.
 - (g) Promotes comprehensive training and a variety of work experiences relevant to the occupations. Seeks to assure that during the approval process all apprenticeship standards are open to all employers on an equal and nondiscriminatory basis.
 - (h) Recognizes that quality training, equal treatment of apprentices, and efficient delivery of apprenticeship training are best provided by registered apprenticeship programs.
- (2) All amendments to this chapter must be developed and adopted according to the provisions of chapter 49.04 RCW, Apprenticeship Act; chapter 34.05 RCW, Administrative Procedure Act; and Executive Order 97-02. All proposed amendments to these rules must be approved by a two-thirds majority vote of regular WSATC members before they are published for public hearing. All WSATC members, the apprenticeship supervisor, committees and any other interested parties must be promptly notified, in writing, of any proposed rule amendments, public hearings on proposed rule amendments and new rule adoptions.
 - (3) The specific procedure(s) and form(s) for petitions requesting the making, amendment, or repeal of a rule are in chapter 34.05 RCW, as are the specific procedure and form for requesting declaratory rulings.
 - (4) Such petitions and requests must be addressed to:

The Washington State Apprenticeship and Training Council
Attention: Supervisor of Apprenticeship and Training
Department of Labor and Industries
Post Office Box 44530
Olympia, Washington 98504-4530

WAC 296-05-007--Rules of procedure.

All hearings and adjudication, under chapter 49.04 RCW and these rules, shall be conducted according to chapter 34.05 RCW, the Administrative Procedure Act and chapter 10-08 WAC, Model Rules of Procedure. The chair (or vice-chair in the chair's absence) is the presiding officer for adjudicative proceedings, held before the WSATC. The WSATC may either adjudicate matter(s) themselves or refer matter(s) to the office of administrative hearings for initial adjudication.

If the initial adjudication is before the WSATC, the WSATC will enter a final order. If the initial adjudication has been held at the office of administrative hearings,

the administrative hearings judge shall issue an initial order. The WSATC, upon review of the initial order shall enter the final order. An initial order shall become final without further WSATC action five working days after the next regular quarterly meeting unless:

- (1) The WSATC upon its own motion determines that the initial order should be reviewed; or
- (2) A party to the proceedings files a petition for review of the initial order.

The WSATC may appoint a person to review the initial order and prepare and enter the final WSATC order.

WAC 296-05-008 Process for objections to apprenticeship program standards.

- (1) Objections to apprenticeship program standards shall be submitted to the department with a copy to the program sponsor for WSATC consideration twenty days prior to the regular quarterly WSATC meeting on a form provided by the department and approved by the WSATC.
- (2) The department shall notify the program sponsor no more than two business days after the department receives the objection.
- (3) In accordance with WAC 296-05-007, the WSATC may either adjudicate matter(s) itself or refer matter(s) to the office of administrative hearings for initial adjudication.
 - (a) If the WSATC decides to adjudicate all or part of the objections to the apprenticeship program standards, the individual(s) submitting the objections shall present the objections at the regular quarterly WSATC meeting or at the special WSATC meeting convened for purposes of hearing the objections. The department shall notify the competitor making the objections and the program sponsor that the objection is on the agenda for consideration and give their recommendation ten days prior to the WSATC meeting.
 - (b) If the WSATC decides to refer all or part of the objections to the office of administrative hearings, the WSATC shall identify the specific matters that the WSATC is requesting the office of administrative hearings to provide findings and conclusions for the initial order.
- (4) The department may attempt to facilitate a resolution to any objections during the process identified in this section.

Note: Per WAC 296-05-207, the approval or disapproval of committee programs, plant programs or amendments to those programs can only occur at regular quarterly meetings.

WAC 296-05-009 Complaint review procedures.

If a local committee or other organization administering the agreement cannot satisfactorily resolve a complaint, any apprentice who has completed his/her initial probationary period may submit the complaint to the apprenticeship program for resolution. Complaints that involve matters covered by a collective bargaining agreement are not subject to the complaint review procedures in this section. The investigation or review of any controversy by the supervisor or the WSATC will not affect any action taken or decision made by a committee or other organization until a final decision resolving the matter is issued.

- (1) Within thirty days of the action leading to the complaint, the apprentice must request the local committee or other organization to reconsider action.
- (2) The local committee or other organization must, within thirty days of the apprentice's request, provide written notification to the apprentice of its decision on the request for reconsideration. This notification shall be considered the final action of the committee.
- (3) If the apprentice chooses to pursue the complaint further, the apprentice must submit a written complaint describing the controversy to the supervisor of the apprenticeship division within thirty days of the final action taken on the matter by the local committee or other organization. The written complaint must be specific and include all relevant facts and circumstances contributing to the complaint. Any documents or correspondence relevant to the complaint must be attached to the complaint. The apprentice must send a copy of the complaint to the interested local committee or other organization.
- (4) The supervisor must investigate complaints received from an apprentice. The supervisor must complete the investigation within thirty working days. During the investigation, the supervisor must attempt to effect a settlement between the parties. During the investigation the apprentice and the committee or other organization must fully cooperate with the supervisor by providing any relevant information or documents requested. The supervisor may delegate the investigation to any employee in the apprenticeship division. If the controversy is not settled during the investigation, the supervisor must issue a written decision resolving the controversy when the investigation is concluded.
- (5) If the apprentice, committee or other organization is dissatisfied with the decision of the supervisor, they may request the WSATC to review the decision. The request must be in writing and made within thirty days of the supervisor's decision. It must specify the reasons supporting the request. The party requesting review must provide a copy of the request to the other parties involved in the controversy. The WSATC must conduct an informal hearing to consider the request for review of the supervisor's decision. Unless special circumstances dictate, the hearing must be held in conjunction with the regular quarterly meeting.

At the hearing, the WSATC must review the supervisor's decision and all records of the investigation. The WSATC may also accept testimony or documents from any person, including the supervisor and the supervisor's staff, who has knowledge relating to the controversy. Parties at the informal hearing may be represented by counsel and may, at the

- WSATC's discretion, present argument concerning the controversy. The WSATC must not apply formal rules of evidence.
- (6) Within thirty days after the hearing, the WSATC must issue a written decision resolving the controversy. The WSATC's decision may be to affirm the decision of the supervisor. In that case, the supervisor's decision becomes the decision of the WSATC. All parties to the informal hearing must be sent a copy of the WSATC's decision. The chair may sign the decision for the WSATC.

WAC 296-05-011 Compliance reviews.

- (1) The purpose of a compliance review is to systematically and periodically review apprenticeship programs to ensure that the sponsor is complying with the approved program standards and these rules. Compliance reviews consist of a comprehensive analysis and evaluations of each aspect of the apprenticeship program. They must include on-site investigations and audits.
- (2) A compliance review may be required:
 - (a) For all existing programs on a regular and comprehensive basis.
 - (b) When the WSATC receives a complaint, which has not been referred to a private review body. (See WAC 296-05-009.)
 - (c) When a sponsor seeks to reregister a program.
 - (d) When a sponsor seeks to register a new program.
- (3) If a compliance review indicates that the sponsor is not operating as required by these rules, the supervisor must notify the sponsor in writing of the results of the review. The supervisor must:
 - (a) Make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before penalizing as authorized in WAC 296-05-013.
 - (b) Provide recommendations to the sponsor to assist in achieving compliance.

WAC 296-05-013 Sanctions for noncompliance.

The WSATC is responsible to take the necessary action to bring a noncomplying program into compliance with these rules.

When the apprenticeship supervisor, based upon a compliance review or other reason, concludes that an apprenticeship program is not in compliance with the rules of this chapter and that the sponsor will not take voluntary corrective action, the WSATC must:

- (1) Institute proceedings to withdraw the program registration;
- (2) Refer the matter to the equal employment opportunity commission;
- (3) Refer the matter to the attorney general with recommendations for the institution of a court action under Title VII of the Civil Rights Act of 1964, as amended; or
- (4) Refer the matter to the attorney general for other court action as authorized by law.

PART A -- WSATC MEMBERS -- COMPOSITION, OFFICERS, AND DUTIES

WAC 296-05-100 WSATC composition.

- (1) The director of the department appoints three voting representatives each from employer and employee organizations, respectively. Each member shall be appointed for a three-year term.
- (2) The governor shall appoint, subject to confirmation by the senate, a voting public member for a three-year term.
- (3) The WSATC may also include ex officio members. These members have the right to participate in the discussion of any matter before the council but they may not vote.
- (4) An appointed member shall remain on the council until replaced by a qualified successor. When a vacancy does occur, it shall be filled for the remaining portion of the vacated term.

WAC 296-05-103 Officers.

- (1) To carry out the business of the WSATC and to conduct business efficiently the WSATC has three officers:
 - Chair,
 - Vice-chair; and
 - Secretary.
- (2) The chair and vice-chair shall be elected by majority vote of the WSATC members present. This election will take place in odd-numbered years at the April regular quarterly meeting. They shall hold office for a term of two years and until the successor(s) are elected, or until death, resignation, or incapacitation. The supervisor of apprenticeship shall be the secretary of the WSATC.

WAC 296-05-105 Officer duties.

- (1) The chair shall preside over all meetings, conducting them in accordance with *Robert's Rules of Order* as modified by these rules and regulations. The chair may vote in all matters before the WSATC as a regular member and may participate in discussion of all matters before the WSATC. The chair may also have other powers and duties that are provided in these rules; and are usual or necessary with the office of the chair; and as provided in *Robert's Rules of Order*.
- (2) The vice-chair shall preside over all WSATC meetings in the absence of the chair. When presiding, the vice-chair shall have all of the powers and duties of the chair.
- (3) The secretary, with the assistance of a recording secretary, must take and keep minutes of all special and regular meetings on file in the supervisor's office. The secretary must forward copies of minutes of all meetings to all regular and ex officio members of the WSATC. The secretary must also make copies of the minutes of all meetings available to the public upon written request. The secretary may also have other powers and duties that are provided in these rules or are usual or customary to the office of

secretary; and as provided in *Robert's Rules of Order*.

WAC 296-05-107 Additional duties for the supervisor-administrator of WSATC.

- (1) In addition to being the council secretary, the apprenticeship supervisor (supervisor) is the WSATC administrator. As WSATC administrator, the supervisor must:
 - (a) Perform the duties listed in RCW 49.04.030;
 - (b) Register all apprenticeship agreements that comply with the rules in this chapter;
 - (c) Review apprenticeship programs and recommend cancellation of any committee program, or plant program previously registered which is not operated in conformity with its apprenticeship standards; and
 - (d) Receive all documents concerning apprenticeship or training agreements (including revisions to) or any other matters affecting apprenticeship or training.

All written correspondence to the supervisor should be addressed to:

Supervisor of Apprenticeship and Training
Department of Labor and Industries
Apprenticeship Section
P.O. Box 44530
Olympia, Washington 98504-4530

- (2) The supervisor and the supervisor's staff:
 - (a) May be consulted on any matters concerning apprenticeship and training and will provide on request, any information concerning apprenticeship and training available to them.
 - (b) Will conduct systematic reviews of the operation of all programs and investigate any discrepancies between the actual and required operations of any program. The supervisor will notify the noncompliant committee of any violation.
 - (c) May recommend sanctions including cancellation of a program not in compliance with its approved program standards.
 - (d) Assists in the resolution of any complaints against committees or other organizations administering apprenticeship agreements, which have been filed with the WSATC by apprentice(s) who have completed his/her initial probationary period.
 - (e) Must investigate any discrepancies of all complaints as specified in WAC 296-05-009.
 - (f) Conducts compliance reviews as specified in WAC 296-05-011.

WAC 296-05-109 Merit awards. The WSATC may issue awards when appropriate.

PART B -- WSATC MEETINGS -- TYPES, PROCEDURES, AND CONDUCT

WAC 296-05-200 Regular meetings.

- (1) Each year, regular meetings of the WSATC shall be convened on the third Thursday of January, April, July, and October. These regular quarterly meetings shall be held at locations within the state of Washington. All meetings are open to the general public.
- (2) Notice of each regular quarterly meeting shall be given to all:
 - WSATC members;
 - Ex officio members; and
 - Approved program sponsors.

In addition, notices of meetings may be sent to all persons, organizations, agencies, or interested parties whose presence is desired and to any newspaper, news service, television, radio station, or other interested parties who have requested notices of WSATC meetings. The supervisor must distribute the notice of the regular meeting at least thirty days prior to the meeting date.

WAC 296-05-203 Special meetings.

- (1) Special meetings of the WSATC may be called at the request of the chair or by a majority of the WSATC members. To call a special meeting, a written notice of the meeting must be personally delivered or mailed to:
 - Each member of the WSATC;
 - All approved program sponsors; and
 - Each general circulation newspaper, television or radio station which has on file with the WSATC or the supervisor a written request to be notified of special meetings.

In addition, notices of meetings may be sent to all persons, organizations, agencies, or interested parties whose presence is desired.

- (2) To be valid, the written notice must list the date, time and location of the meeting and specify the business to be transacted by the WSATC. The WSATC cannot take final action on any matter that is not specified in the written notice. Special meetings must be open to the general public and adhere to the same open meeting requirements that apply to the regular quarterly WSATC meetings.
- (3) Notices of special meetings must be delivered personally or by mail at least twenty-four hours before the specified time of the meeting.
- (4) The exception is when a special meeting is called to consider rule changes according to chapter 34.05 RCW. In this case, the notice of the special meeting must be delivered at least twenty days before the time specified in the notice.
- (5) If the notice requirements in this section are not followed, any action taken by the WSATC at the special meeting will be null and void. However, the notice requirements can be waived if each regular WSATC member signs a written waiver of notice, at or prior to the meeting, and files it with the supervisor. With this filing, the notice shall be considered waived by any WSATC member present when the meeting convenes. Rule changes may not be made at special meetings where the notice requirements have

been waived unless the requirements of chapter 34.05 RCW have been satisfied.

WAC 296-05-205 Petitions, requests, and correspondence submitted to the WSATC.

- (1) For the WSATC to act upon petitions or requests at a regular quarterly meeting, the petitions or requests must be submitted in writing to the supervisor at least forty-five days prior to the date of the regular quarterly meeting. Any petitions or requests not submitted forty-five days prior to a quarterly meeting must be deferred to the next regular quarterly meeting. If a petition or request is deferred, the supervisor must notify the petitioner.
- (2) Generally, correspondence not related to apprenticeship and training agreements and meetings, petitions and requests, must be submitted in writing to the supervisor of apprenticeship at least fifteen working days before the quarterly meeting at which the WSATC's consideration is requested. However, if the WSATC determines that the correspondence is crucial to any deliberations regarding approval or disapproval of an apprenticeship agreement, the supervisor may waive this fifteen-day requirement.
- (3) Noncrucial correspondence submitted less than fifteen working days before the quarterly meeting must be considered by the WSATC at the next quarterly meeting.
- (4) When an apprenticeship committee petitions the council or the supervisor, only the signature of the elected chair and secretary of the committee shall be accepted as a valid signature unless the petitioning committee has asked the council to recognize and accept the signature of another person. A petition requesting the recognition of a signature other than that of the elected chair and secretary must be signed by a quorum of the members from the petitioning committee.

WAC 296-05-207 Other regulations that apply to council meeting conduct.

- (1) All council meetings must be open to the general public. Members of the public cannot be required to register his/her name, give any information, or fulfill any condition prior to attending council meetings. All council meetings must be conducted according to the provisions of chapter 42.30 RCW, the Open Public Meetings Act and chapter 34.05 RCW, the Administrative Procedure Act. The following WSATC activities must take place in open public meetings:
 - All transactions of official business;
 - All commitments or promises;
 - All collective discussions;
 - All collective decisions; and
 - All council actions.
- (2) The approval or disapproval of committee programs, plant programs, or amendments to those programs can only occur at regular quarterly meetings.

WAC 296-05-209 Voting.

- (1) A quorum is two-thirds of the WSATC members entitled to vote.
- (2) All council members appointed by either the director or the governor are voting members of the council. Ex officio members may not vote on any issue.
- (3) To resolve tie votes, the chair shall establish a standing tie-breaker committee. The committee shall be comprised of an employer representative, an employee representative, and the public member on the WSATC. In case of a tie vote on any proposed standards brought before the WSATC, the tie-breaker committee shall meet or confer, review the record, and render a decision within thirty days. The supervisor or a designee of the supervisor shall act as secretary to the committee and furnish all information necessary for a decision.

WAC 296-05-211 Rules of order.

Robert's Rules of Order shall prevail at all meetings unless otherwise provided for by these rules.

WAC 296-05-213 Retroactivity.

The WSATC may make any action or decision which it takes retroactive to the date of the previous business session.

PART C -- APPRENTICESHIP PROGRAMS -- COMMITTEE, AGREEMENTS, TYPES, AND RECOGNITION

WAC 296-05-300--Apprenticeship and training programs--Approval.

The WSATC is the body responsible for matters concerning apprenticeship and training in the state of Washington. The principal function of the WSATC is to approve, register, and regulate apprenticeship and training agreements. Persons or organizations desiring to institute an apprenticeship or training program must follow these steps:

- (1) Organize an apprenticeship and training committee according to WAC 296-05-303 and file affidavits with the WSATC requesting that the committee be recognized.
- (2) Once the committee is recognized, it must propose standards conforming to these rules and to chapter 49.04 RCW. In addition, the standards must include the composition of the committee and general rules that it will follow in administering the program. (The apprenticeship supervisor and department apprenticeship coordinators are available to give assistance drafting standards.)
- (3) These standards must be presented to the supervisor at least forty-five days before the regular quarterly meeting at which the WSATC is requested to consider such proposed standards.
- (4) At the regular quarterly meeting, the proposed standards will be considered by the WSATC. The WSATC will:
 - (a) Approve;
 - (b) Approve provided the sponsor accepts the changes recommended by the WSATC; or
 - (c) Disapprove.

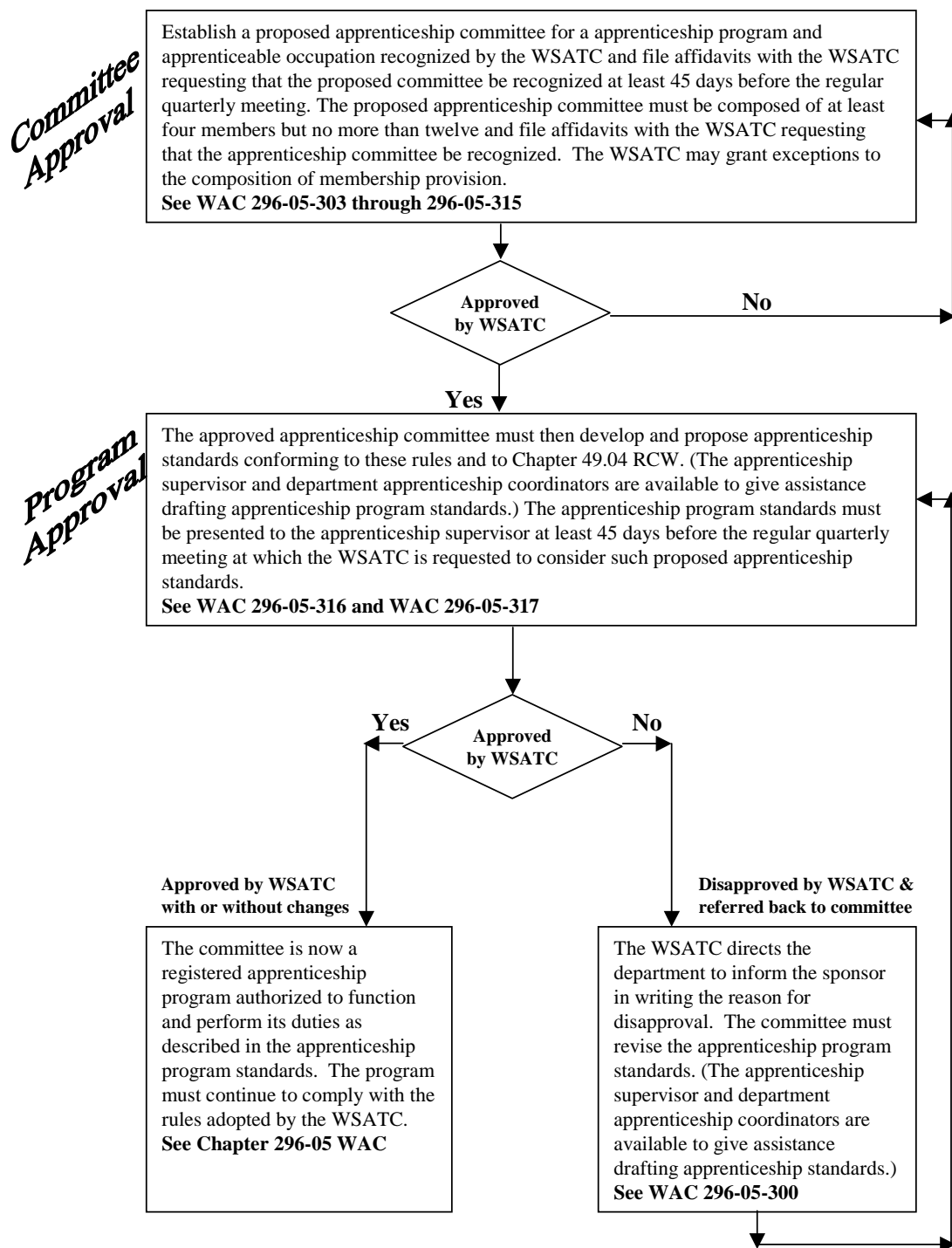
At the regular quarterly meeting, the WSATC will allow changes to correct clerical errors. The addition of standard language will be allowed if authorized representatives of the sponsor are present and authorized to accept changes. At the regular quarterly meeting, the WSATC will not accept changes to the format, language, or provisions of the submitted program standards which are not reasonably consistent with previously approved program standards.

If the WSATC disapproves the standards, it shall direct the department to inform the sponsor in writing the reason for disapproval.

- (5) Once the WSATC approves the program standards the committee is authorized to function and perform its duties as described in WAC 296-05-316.
- (6) If a competitor objects to the proposed standards or proposed amendment(s) to existing standards, the WSATC may either adjudicate the objection(s) with the proposed standards or refer the objection(s) with the proposed standards or proposed amendment(s) to existing standards to an administrative hearing as described in WAC 296-05-007. For purposes of this subsection "competitor" means a competing apprenticeship program in a similar or subset of the trade, craft, or occupation within the geographic area

WAC 296-05-302 Apprenticeship committee/program approval process.

Apprenticeship Committee/Program Approval Process



Note: This flowchart represents the general process for apprenticeship committee/program approval and does not include exceptions and variations.

WAC 296-05-303 Apprenticeship committees - Duties and responsibilities.

- (1) Apprenticeship committees are appointed according to the provisions of RCW 49.04.040 and are composed of at least four members but no more than twelve. However, the WSATC may grant exceptions to this provision.
- (2) Chapter 49.04 RCW, these rules, and the approved standards under which a committee operates define the duties of an apprenticeship committee. Committees shall function, administer or relinquish authority only with the consent of the WSATC.
- (3) A committee is responsible for:
 - The day-to-day operations of the apprenticeship and training program;
 - Operating the program according to WSATC approved standards;
 - Accepting or rejecting applicants for apprenticeship or training;
 - Registering approved applicants with the supervisor;
 - Removing apprentices from the program as provided by the approved program standards;
 - Informing the supervisor of any matters that affect the standing of individuals as apprentices; and
 - Entering into agreements with other apprenticeship committees for the use of apprentices by training agents that are working outside their approved geographic area served.

The WSATC will only recognize apprentices registered with the supervisor.

- (4) Committees approved by the WSATC must offer training opportunities on an equal basis to all employers and apprentices including all rights, appeals, and services available in the existing apprenticeship program. All existing committees that represent multiple employer or employer associations, except for committees that represent plant programs, are expected to provide access to apprenticeship and training opportunities to employers not currently participating in the program. Those opportunities must:
 - Provide training at a cost equivalent to that incurred by currently participating employers and apprentices;
 - Grant equal treatment and opportunity for all apprentices;
 - Offer reasonable working and training conditions and apply those conditions to all apprentices uniformly and equally;
 - Not require an employer to sign a collective bargaining agreement as a condition of participation in an apprenticeship program;
 - Require all employers requesting "approved training agent" status to comply with a WSATC approved agreement and all federal and state apprenticeship rules and the appropriate apprenticeship standards. (The training agent shall employ only registered apprentices when training for that occupation or trade);
 - Require sponsors, who approve "approved training agent" agreements, to furnish the department with a copy of the agreement and/or the list of approved training agents within thirty days of committee approval; and
 - Require sponsors who rescind "approved training agent" agreements and/or the list of approved training agents to notify the department that they have done so within thirty days of said action.

- (5) Apprenticeship Program sponsors may send registered apprentices to limited training agents.

This shall be called a "limited training agent agreement," which is when an employer that is not currently a registered training agent to a set of apprenticeship standards, enters into a single public works project agreement with the program sponsor for the purpose of apprenticeship utilization. The limited training agent agreement must specify that:

- The program sponsor must ensure that all program requirements are being followed.
- Apprenticeship utilization requirements must be in the public work contract.
- The agreement is for a specific trade(s) or occupation(s).

The limited training agent must sign the training agent form.

This limited training agent agreement does not obligate the employer to use registered apprentices in any other type of work or trade or occupation than the one for which the limited training agreement is entered into.

This is a pilot program lasting for two years (July 2003 - July 2006) in Spokane County only.

The department must conduct a study and provide a report back to the Washington State Apprenticeship and Training Council on the effect of the rule. This report should contain vital information including the numbers of apprenticeship hours generated, any adverse impacts on apprenticeship programs and apprentices, any compliance problems, any health and safety problems, or other considerations requested by the council at a later date. This report is due to the WSATC by March 15, 2006.

- (6) If an existing committee fails to or refuses to offer apprenticeship and training opportunities to all employers, the WSATC may take action to remove the restrictions to access in order to comply with the intent of chapter 49.04 RCW and these rules. Action may include, but is not limited to, the decertification of the existing committee and recognition of a new committee.

WAC 296-05-305 Apprenticeable occupations.

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

- (1) It is customarily learned in a practical way through related instruction and on-the-job supervised training.
- (2) It is clearly identified and commonly recognized throughout an industry.
- (3) It is not part of an occupation previously recognized by the registering agency as apprenticeable, unless such part is practiced industry wide as an identifiable and distinct trade.
- (4) It involves manual, mechanical, or technical skills and knowledge which require a minimum of two thousand hours of on-the-job work experience.

- (5) It requires a minimum of one hundred forty-four hours of related instruction per year to supplement on-the-job work experience.
- (6) It involves skill sufficient to establish normal career sustaining employment for the length of the apprentice's work life. It entails technical and theoretical considerations which are susceptible to instruction within the period defined in the program standards.

WAC 296-05-307 Types of apprenticeship agreements recognized by the WSATC.

The WSATC acting according to RCW 49.04.060, recognizes the following types of written apprenticeship agreements (statements) that describe the apprenticeship training conditions:

- (1) Agreements between an association of employers and an organization of employees.
- (2) An agreement between an employer and an employee organization.
- (3) An employer's statement when there is no bona fide employee organization in the plant affected by the agreement.
- (4) An agreement between an apprenticeship program and an individual apprentice.

WAC 296-05-309 Apprenticeship programs approved by the WSATC.

The following apprenticeship programs may be approved by the WSATC. All the following programs with the exception of individual waiver programs must be administered by a committee.

- (1) Group-joint, or area joint. A program where there is a labor organization. These programs are jointly sponsored by a group of employers and a labor organization. They are administered by employer and employee representatives from an apprenticeship and training committee composed equally from management and labor.
- (2) Individual-joint. A program where there is a labor organization. These programs are jointly sponsored by an individual employer and a labor organization. They are administered by employer and employee representatives from an apprenticeship and training committee composed equally from management and labor.
- (3) Group nonjoint, or area group. A program where there is no labor organization. These programs are sponsored by an employer association(s) administered by an apprenticeship committee.
- (4) Individual nonjoint. A program where there is no labor organization. These programs are sponsored and administered by an individual employer.
- (5) Group waiver. These programs involve an employer association(s) and a labor organization. Either the employer group or the labor organization voluntarily waives participation in the program by notifying the other party in writing.
- (6) Individual waiver. These programs involve an individual person, company, plant, firm, and a labor organization. Either management or labor voluntarily waives participation by notifying the other party in writing.
- (7) Plant. A program for a single physical location or a group of physical

locations owned by the sponsor. The WSATC, based on the authority in RCW 49.04.040, assumes jurisdiction and serves as the committee. The apprenticeship agreement must specify the number of required hours for completion of the apprenticeship. The hours specified must represent at least two thousand hours of reasonably continuous employment. That agreement must conform to the applicable provisions of chapter 49.04 RCW and these rules.

WAC 296-05-311 On-the-job training programs.

On-the-job training programs may be set up in the same manner as apprenticeship programs with any exceptions authorized by the WSATC. However, no on-the-job training program must be established or authorized where there is a parallel apprenticeship program in existence. An on-the-job training program shall be any program that requires two thousand or less hours of employment for completion. All of the rules in this chapter that apply to apprenticeship agreements and programs also apply to on-the-job training programs except on-the-job training programs will be approved by the supervisor subject to the review of the WSATC.

A sample standard for an on-the-job training program is available from the supervisor.

WAC 296-05-313 Apprenticeship committees - Composition.

- (1) Apprenticeship committees must be composed of an equal number of management and nonmanagement representatives.
- (2) For apprenticeship committees that represent one occupation, at least fifty percent of the members of committees must be occupationally qualified by education and experience in the specific occupation for which the committee is responsible. The committee must be able to verify the occupational qualifications of the members.
- (3) For apprenticeship committees that represent multiple occupations, the committee members must either:
 - Be occupationally qualified by education and experience in the specific occupations for which the committee is responsible and must be able to verify the occupational qualifications of the members; or
 - Be known to represent the interests of the multiple occupations served.
- (4) All committee members must be knowledgeable in the process of apprenticeship and/or the application of chapter 49.04 RCW and these rules.

WAC 296-05-315 Nonjoint and waiver committees - Additional requirements.

- (1) The WSATC shall only recognize nonjoint and waiver standards for a specific occupation or directly related occupations.
- (2) When multiple related occupations are approved on a single standard,

- each occupation shall be considered as an individual standard.
- (3) Unrelated occupations shall be submitted under separate standards.

WAC 296-05-316 Apprenticeship agreements - Standards requirements.

The WSATC shall have the authority to develop, administer, and enforce program standards for the operation and success of an apprenticeship and training program.

The sponsor's proposed program standards must include a list of duties and responsibilities of the program sponsor reasonably consistent with other approved program standards.

All apprenticeship agreements must comply with the approved program standards, chapter 49.04 RCW, and these rules. The standards of apprenticeship agreements must include the following:

- (1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which must not be less than two thousand hours of reasonably continuous employment.
- (2) A statement identifying the program sponsor, establishing the apprenticeship committee and enumerating the sponsor's and committee's duties and responsibilities. This statement must include provisions to:
 - (a) Elect a chair and a secretary from employer and employee representatives of the committee.
EXCEPTION: This provision is not necessary for a plant program.
 - (b) Convene at least three annual regular meetings of the program sponsor and apprenticeship committee. The meetings shall be at least three times per year, be attended by a quorum of committee members (as defined in the approved program standards), be documented with minutes which must be periodically submitted to the department and made available to the WSATC upon request. Conference call meetings may be conducted in lieu of regular meetings but must not exceed the number of attended meetings and no disciplinary action shall be taken at conference call meetings.
 - (c) Determine the program sponsor's need for apprentices in the area covered by the apprenticeship standards established under these rules.
The following are some examples of ways the program sponsor can demonstrate that the need for apprentices exists:
 - Statistical analysis of workload projections;
 - Demographics;
 - Information relating to expected workload growth.
 - (d) Establish minimum standards of education and skilled occupational experience required of apprentices.
 - (e) Rotate apprentices in the various processes of the skilled occupation to assure a well-rounded, competent worker.
 - (f) Determine the adequacy of an employer to furnish proper on-the-job training in accordance with the provisions of the approved

standards.

EXCEPTION: This does not apply to plant programs.

- (g) Recommend competent instructors and related/supplemental instruction in accordance with local vocational requirements.
 - (h) Recommend a course outline for related/supplemental instruction, as well as coordinate related/supplemental instruction with on-the-job work experience.
 - (i) Hear and adjust all complaints of violations of apprenticeship agreements.
 - (j) Adopt, as necessary, program rules to administer the apprenticeship program in compliance with its standards, chapter 49.04 RCW, and these rules.
 - (k) Periodically review and evaluate apprentices before advancement to the apprentice's next wage progression period.
 - (l) Maintain apprenticeship records and records of the administrative program as may be required by the WSATC, chapter 49.04 RCW, and these rules. (See WAC 296-05-318.)
- (3) The following Equal Employment Opportunity Pledge:
"The recruitment, selection, employment and training of apprentices during their apprenticeship shall be without discrimination because of race, sex, color, religion, national origin, age, disability or as otherwise specified by law. The sponsor shall take positive action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required by the rules of the Washington State Apprenticeship and Training Council and Title 29, Part 30 of the Code of Federal Regulations."
- (4) When applicable, an affirmative action plan and selection procedures.
- (5) A numeric ratio of apprentices to journey-level workers may not exceed one apprentice per journey-level worker. It must be consistent with proper supervision, training, safety, continuity of employment, and applicable provisions in collective bargaining agreement, if any. The ratio must be described in the program standards and shall be specific and clear as to application in terms of job site, work group, department, or plant. An exception to this requirement may be granted by the WSATC.
- (6) A statement of the related/supplemental instruction including content, format, hours of study per year (which shall be a minimum of one hundred forty-four hours per year).
- (7) An attendance policy which includes a provision that if the apprentice fails to fulfill the related/supplemental instruction obligations, the sponsor may withhold the apprentice's periodic wage advancement, suspend or cancel the apprenticeship agreement. A provision that time spent in related/supplemental instruction classes shall not be considered as hours of work and the apprentice is not paid for the classroom time. A provision that the hours of actual attendance by the apprentice in related supplemental instruction classes must be reported to the department on a quarterly basis for industrial insurance purposes.
- (8) A provision to ensure that the sponsor provides for instruction of the apprentice during the apprentice's related/supplemental instruction in safe and healthful work practices in compliance with the Washington Industrial Safety and Health Act, and applicable federal and state regulations.
- (9) A provision for a formal agreement between the apprentice and the

- sponsor and for registering that agreement with the department.
- (10) A provision for the timely notice to the department of all requests for disposition or modification of apprenticeship agreements including:
 - Certificate of completion;
 - Additional credit;
 - Suspension;
 - Military service;
 - Reinstatement;
 - Cancellation; and
 - Corrections.
 - (11) A provision for advancing an apprentice's standing based on previous experience in the skilled trade or in some other related capacity.
 - (12) A provision for the transfer of an apprentice from one training agent to another training agent or the sponsor in order to provide as much as possible, continuous employment and diversity of training experiences for apprentices.
 - (13) A provision for the amendment of the standards or deregistration of the program. This provision must comply with chapter 49.04 RCW, these rules, and WSATC policies and procedures.
 - (14) An apprenticeship appeal procedure in compliance with chapters 49.04, 34.05 RCW, and these rules.
 - (15) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.
 - (16) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related/supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.
 - (17) A statement of the minimum qualifications for persons entering the apprenticeship program including the age of the apprentice which may not be less than sixteen years of age. All exceptions to minimum qualifications, if any, must be clearly stated and applied in a nondiscriminatory manner.
 - (18) Provision that the services of the supervisor and the WSATC may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or as required by the established trade procedure.
 - (19) Provision that if an individual training agent is unable to fulfill its obligation under the apprenticeship agreement, it will transfer the obligation to the program sponsor.
 - (20) Such additional standards as may be prescribed in accordance with the provisions of this chapter.
 - (21) Disciplinary procedures and criteria for apprentices. The procedures may include a committee-imposed disciplinary probation during which the committee may according to expressed criteria:
 - Withhold periodic wage advancements;
 - Suspend or cancel the apprenticeship agreement;
 - Take further disciplinary action; or
 - The disciplinary procedures must include a notice to the apprentice that the apprentice has the right to file an appeal, of the committee's

action, to the WSATC.

- (22) A provision for an initial probation which the WSATC or the supervisor of apprenticeship may terminate an apprenticeship agreement at the written request by any affected party. The initial probation must not exceed twenty percent of the term of apprenticeship unless an exemption has been granted for longer probationary periods as specified by Civil Service or law. The initial probationary period must be expressed in hours of employment. During the initial probationary period, the apprenticeship agreement may be terminated by the sponsor or the apprentice without a hearing or stated cause. An appeal process is available to apprentices who have completed the initial probationary period.
- (23) Provisions prohibiting discrimination on the race, sex, color, religion, national origin, age, disability or as otherwise specified by law during all phases of apprenticeship.
- (24) Provisions to ensure adequate records of the selection process are kept for a period of at least five years and are available to the WSATC or its representative on request. ("Adequate records" means at least a brief summary of any interviews and the conclusions reached on each of the specific factors which are part of the total judgment concerning each applicant.)
- (25) Provisions to ensure that local committee rules and regulations be consistent with these rules and the applicable apprenticeship agreement.
- (26) Provisions to ensure any proposed standards for apprenticeship are reasonably consistent with any standards for apprenticeship already approved by the WSATC for the industry, craft or trade in question taking into account the WSATC's determination of the apprenticeship needs of the trade and geographic area. (Statistical analysis of workload projections, demographics, and information relating to expected workload growth are examples of ways the sponsor may demonstrate that the need for apprentices exists.) The goal is to achieve general statewide uniformity of standards in each industry, trade or craft. Proposed standards for a new program shall be considered consistent if they are equal to or exceed the minimum number of hours approved by the United States Department of Labor for a trade, craft, or occupation. If the United States Department of Labor has not established a minimum number of hours for a trade, craft, or occupation, the WSATC may utilize its discretion to determine the minimum number of hours that must be achieved. In addition, the course content and delivery method must be designed to achieve the same levels of skills as existing standards within the state for that industry, trade, or craft.
- (27) A provision to ensure that the progressively increasing wage scales based on specified percentages of journey-level wage, which must be submitted, at least annually, to the WSATC. These may be submitted on a form provided by the department.

A sample apprenticeship agreement and a standard form for program standards are

WAC 296-05-317 Related/supplemental instruction.

The WSATC shall establish apprentice-related/supplemental instruction for

trades and occupations based on recommendations from the state board for community and technical colleges.

WAC 296-05-318 Records required by the WSATC.

Each sponsor must keep adequate records including, but not limited to, the following:

- (1) Selection of applicants:
 - (a) A summary of the qualifications of each applicant;
 - (b) The basis for evaluation and for selection or rejection of each applicant;
 - (c) The records pertaining to the interviews of applicants; and
 - (d) The original application for each applicant.
- (2) Operation of the apprenticeship program:
 - (a) On-the-job training assignments;
 - (b) Promotion, demotion, layoff, or termination;
 - (c) Rates of pay or other forms of compensation or conditions of work;
 - (d) Hours of training provided; and
 - (e) Any other records needed by WSATC to determine compliance with these rules.
- (3) Affirmative action plans:
 - (a) A copy of the program's complete affirmative action plan. All data and analysis made to determine enrollment deficiencies;
 - (b) Evidence that affirmative action plans are reviewed on an annual basis; and
 - (c) Evidence that affirmative action plans, goals and timetables are updated when necessary.
- (4) Documentation necessary to establish a sponsor's good faith effort in implementing its affirmative action plan:
 - (a) Who was contacted;
 - (b) When the contacts were made;
 - (c) Where the contacts occurred;
 - (d) How the contacts were made; and
 - (e) The content of each contact.
- (5) Qualification standards: Evidence that the sponsor's qualification standards meet the requirements of WAC 296-05-316.

WAC 296-05-319 Apprenticeship agreement - Individual registration.

All individual agreements are subject to the approval of the supervisor and must be registered with the supervisor.

WAC 296-05-321 Apprenticeship agreement - Cancellation.

The supervisor may recommend that an agreement and program be canceled when a program does not comply with these rules or the program's standards. The procedures for cancellation are as follows:

- (1) When any program is found to be operating inconsistently or contrary to these rules or its established program standards, the supervisor must notify the offending committee, person, firm or agency of the violation(s).

- (2) The offending committee, firm, or agency has sixty days to correct the violation(s).
- (3) If the supervisor does not receive notice, within sixty days, that action has been taken to correct the violations, the supervisor may recommend cancellation of the apprenticeship or training program and agreement to the WSATC.
- (4) A recommendation to cancel a program must be in writing, addressed to each WSATC member, and detail the reasons for the recommendation.
- (5) A copy of the recommendation, along with a notice that the WSATC will consider the recommendation, must be mailed to the last known address of each member of the committee administering said program, or to those persons responsible for the program.
- (6) The WSATC must consider the recommendation at its next regularly scheduled quarterly meeting. However, at least thirty days must pass between the date of the recommendation and the date of the regular quarterly meeting. If thirty days has not passed, the recommendation must be considered at the subsequent regular quarterly meeting.
- (7) At the regular quarterly meeting, all interested person(s) may present evidence or testimony regarding the recommendation.
- (8) The WSATC must act on the recommendation by a majority vote of the members present and voting.
- (9) Once the WSATC has voted, it must give written notification of its decision to all interested parties along with the reasons supporting it.
- (10) The cancellation of any program or agreement automatically cancels any agreement(s) registered under them. However, any organization or firm not responsible for the violations that caused the cancellation may petition the WSATC for approval of the canceled agreement or program as a new program.

WAC 296-05-323 Certificate of completion.

At the request of the apprenticeship committee, the WSATC shall issue certificates of completion. An affidavit of the secretary, chair, or authorized official of the committee concerned must accompany the request. The affidavit must state that the apprentice has been an active, registered participant of that committee's program for at least six months and has successfully completed his/her apprenticeship. These may be submitted on a form provided by the department.

WAC 296-05-325 Union waiver.

- (1) When apprenticeship programs allowing for the substantive union participation are proposed for registration by an employer or employers' association and the union does participate, the proposal must be accompanied by a written statement from the union supporting the registration. Such a statement is referred to as a "no objection" statement.
- (2) When there is no evidence of any union participation, the employer or employers' association must simultaneously furnish to the union that serves as the collective bargaining agent of the employees to be trained, copies of the registration application and the apprenticeship program.

Before taking a final action on the application, the supervisor must give the union a reasonable time period to respond. (A "reasonable time" shall be at least thirty days but no more than sixty days.) If the union fails to comment within the allotted time period, it will have waived its right to participate in the program.

WAC 296-05-327 Reciprocity.

Reciprocity means that the WSATC will recognize and approve out-of-state apprenticeship programs and standards of employers and unions in other than the building and construction industry if certain conditions are met and the out-of-state sponsoring entity requests it. To qualify for reciprocity, the out-of-state sponsoring employers and unions must:

- (1) Jointly form a sponsoring entity on a multistate basis; and
- (2) Register with any recognized state apprenticeship agency/council or with the United States Department of Labor, Apprenticeship Training and Employer Labor Services according to the requirements of 29 CFR Part 29, as adopted February 15, 1977.

PART D -- EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP

WAC 296-05-400 Equal employment opportunity plan - Purpose, scope and authority.

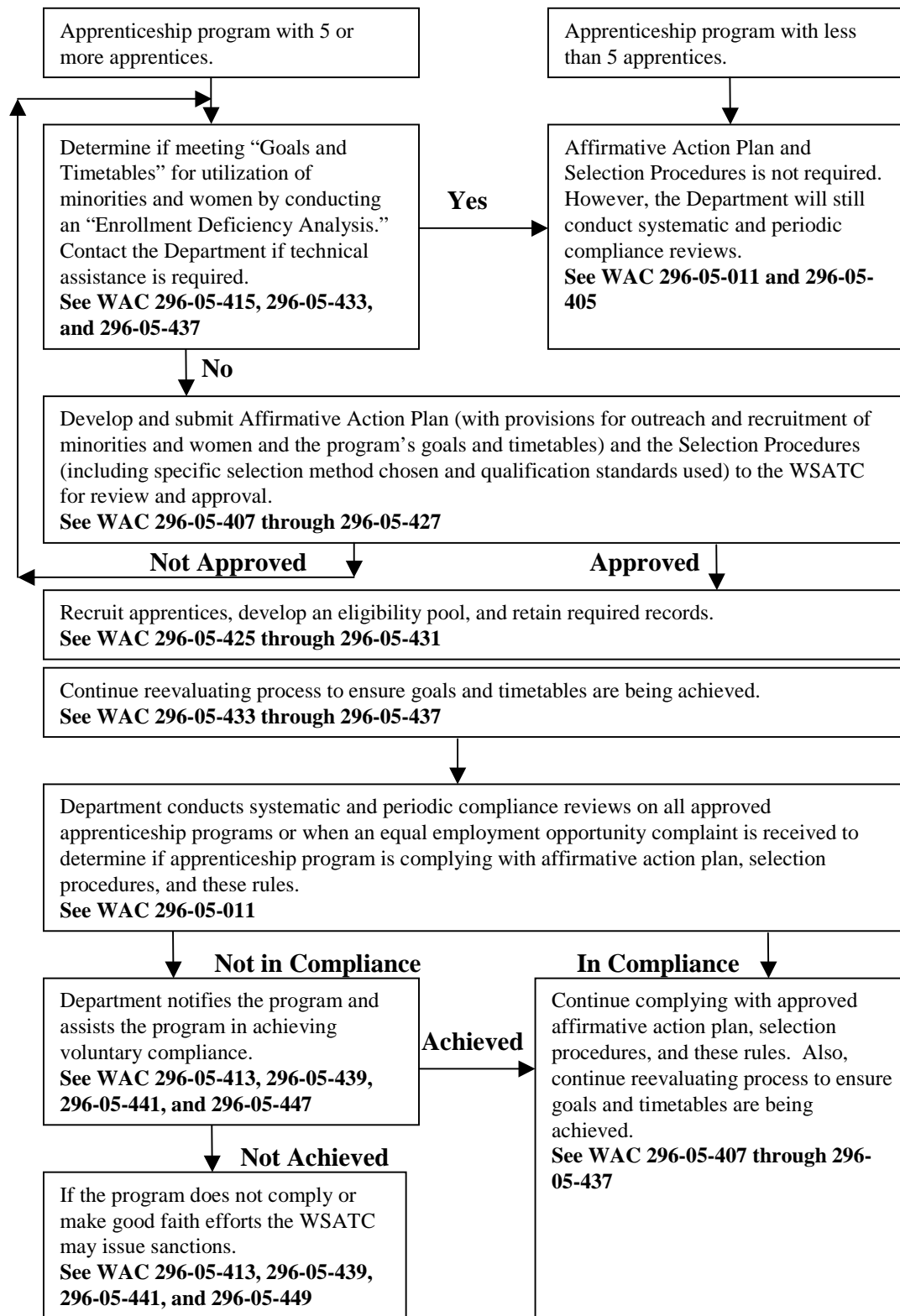
The WSATC's affirmative action plan is based on the statutory authority granted in chapter 49.04 RCW and according to the provisions of 29 CFR Part 30. The purpose of the affirmative action plan is to promote equality of opportunity in apprenticeship by:

- Prohibiting discrimination in apprenticeship programs based on race, sex, color, religion, national origin, age disability or as otherwise specified by law;
- Requiring equal employment opportunities in apprenticeship programs through affirmative action; and
- Coordinating the WSATC's equal employment opportunity programs with affirmative action policies and procedures with other equal opportunity programs.
- The following sections contain the policies and procedures to promote equality of opportunity and equity of treatment of apprentices in apprenticeship programs approved by the WSATC. These policies and procedures are to be used to:
 - Recruit and select apprentices;
 - Review and revise apprenticeship programs;
 - Process equal employment opportunity complaints;
 - Take corrective action when appropriate;
 - Deregister noncomplying apprenticeship programs; and
 - Continue recognition or withdraw recognition of apprenticeship programs.

An affirmative action program must not be used to discriminate against any qualified applicant or apprentice on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law.

WAC 296-05-402 Equal employment opportunity process.

Equal Employment Opportunity Process



WAC 296-05-403 Definitions for Part D.

The following definitions are to be used with this part.

Underutilization: Enrolling minorities and women in a ratio not proportionate to the participation of minorities and women that is representative of the geographical region served.

Women or female: As used in Part D of this chapter refers to minority women and nonminority women.

WAC 296-05-405 Exceptions to the requirement for adopting an affirmative action plan and a selection procedure.

- (1) A sponsor is not required to adopt an affirmative action plan or a selection procedure if:
 - (a) It has fewer than five apprentices; or
 - (b) The program is determined by the WSATC to be in compliance with an approved equal employment opportunity program. An approved program is one which:
 - (i) Provides for selection of apprentices;
 - (ii) Provides for affirmative action in apprenticeship;
 - (iii) Includes goals and timetables for participation of minorities and women in the labor force in apprenticeship which meet or exceed the requirements of WAC 296-05-415; and
 - (iv) Meets the requirements of the following laws:
 - Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000, et seq.);
 - The regulations implementing 42 U.S.C. 2000, et seq.;
 - Executive Order 11246 as amended; and
 - The regulations (41 CFR Part 60) implementing Executive Order 11246.
- (2) A program sponsor must submit satisfactory evidence of its qualification for the exception to the WSATC. If the program sponsor designed the apprenticeship program or the equal opportunity program to circumvent the requirements of these rules, the program will not qualify for an exception.

WAC 296-05-407 Apprenticeship program sponsor's obligations.

- (1) A sponsor of an approved apprenticeship program must:
 - (a) Promote equal opportunity in its apprenticeship program; and
 - (b) Recruit, select, employ and train apprentices without discrimination based on race, sex, color, religion, national origin, age, disability or as otherwise specified by law.
- (2) A sponsor of an approved apprenticeship program with five or more apprentices must uniformly apply all rules related to apprentices. Such rules include, but are not limited to:
 - Equality of wages;
 - Periodic advancement;
 - Promotion;
 - Assignment of work;
 - Job performance;

- Rotation among all work processes of the trade;
 - Imposition of penalties or other disciplinary action; and
 - All other aspects of the apprenticeship program administered by the program sponsors.
- (3) Adopt and implement an affirmative action plan and selection procedure as required by chapter 49.04 RCW, 29 CFR Part 30, and these rules unless the approved apprenticeship program qualifies for an exception (see WAC 296-05-405).

WAC 296-05-409 Affirmative action information required by WSATC.

In addition to the program standards required by WAC 296-05-316, program sponsors seeking new program registration and approval by the WSATC must submit the following:

- (1) The proposed affirmative action plan;
- (2) The proposed selection procedures; and
- (3) Any other information about the sponsor's equal employment opportunity plan required by the WSATC.

The affirmative action plan and additional information is considered in conjunction with the program standards in the WSATC's decision whether to approve or disapprove an apprenticeship program. If the WSATC disapproves the apprenticeship program, it shall direct the department to inform the sponsor in writing the reason for disapproval.

WAC 296-05-411 Affirmative action plan.

An approved affirmative action plan must:

- (1) Be in writing.
- (2) Be more than passive nondiscrimination.
- (3) Include procedures, methods and programs to:
 - (a) Clearly identify present and potential minority and female apprentices.
 - (b) Establish affirmative action goals and timetables.
 - (c) Equalize opportunity in apprenticeship to allow full utilization of the work potential of minorities and women.
 - (d) Assure equal opportunity in apprenticeship for all individuals participating in or seeking entrance into Washington's labor force.
- (4) Include provisions for outreach and positive recruitment to increase the participation of minorities and women in apprenticeship programs by expanding and promoting apprenticeship opportunities to minorities and women. (See WAC 296-05-413.)

Nothing in a sponsor's approved affirmative action plan may be used to discriminate against any qualified applicant or apprentice on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law.

WAC 296-05-413 Outreach and recruitment requirements - Specific.

To gain approval, an affirmative action plan must include the following specific provisions for outreach and recruitment criteria:

- (1) To increase minority and female participation in apprenticeship, program sponsors are expected to strengthen program outreach and recruitment efforts. The affirmative action plan must specify the activities they will use to achieve this result.
- (2) The program sponsor is not necessarily required to include all of the listed activities in its affirmative action program. The WSATC, when approving the sponsor's affirmative action plan, will determine the number of specific activities a sponsor must implement to satisfy this outreach and recruitment requirement. The WSATC will consider all circumstances including the size and type of the program and its resources. When special circumstances exist, the WSATC may provide financial or other assistance it deems necessary to implement the requirements of this section from any funds made available to it for such purpose.
- (3) Examples of positive outreach and recruitment activities are:
 - (a) Distributing information about the nature of apprenticeship programs, program admission requirements, current apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor.

For programs only accepting applications at specific intervals, such information shall be disseminated at least thirty days in advance of each application date. For programs that accept applications throughout the year, this information must be distributed at least semiannually.

To be effective, the information described in this section must be given to the WSATC, local schools, employment service offices, women's centers, outreach programs and community organizations which effectively reach minorities and women. Also it must be published in newspapers which are circulated in the minority community and among women as well as the general areas in which the program sponsor operates.

- (b) Participating in workshops conducted by employment service agencies, school districts, and community based organizations to increase apprenticeship program awareness of apprenticeship opportunities.
- (c) Cooperating with local school districts, vocational education systems, and school employees to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.
- (d) Increasing awareness of a sponsor's equal opportunity policy within the sponsor's organization. The goal of this increased awareness within the sponsor's organization is to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, employers, and members. This is to encourage the necessary active assistance in achieving the

- program's obligations required by these rules.
- (e) Participating in existing outreach programs whose focus is the recruitment and preparation of minority and female apprenticeship applicants. Whenever possible, these should provide applicants with pretesting experience and training.
 - (f) Developing outreach programs whose focus is the recruitment and preparation of minority and female apprenticeship applicants. If apprenticeship outreach programs do not exist, the sponsor should attempt to develop them. This effort may require working with other sponsors and appropriate community organizations. It may require obtaining financial assistance from the WSATC. Also, the sponsor shall initiate programs that prepare and encourage women to enter traditionally male dominated apprenticeship programs and trades.
 - (g) Encouraging the development and use of programs for preapprenticeship education, preparatory trade training, or other work related experiences that prepare candidates for apprenticeship.
 - (h) Granting to all applicants, without prejudice, advance standing or credit for previously acquired experience, training, skills, or aptitude.
 - (i) Engaging in other activities to ensure that the recruitment, selection, employment, and training of apprentices without discrimination based upon race, color, religion, national origin, sex, age, disability or as otherwise specified by law. Some examples of these activities include:
 - (i) General publication of advertisements, industry reports, articles on apprenticeship opportunities and advantages.
 - (ii) Use minority and female apprentices and journey-level workers as recruiters.
 - (iii) Provide career counseling to prospective applicants.
 - (iv) Periodically audit affirmative action programs to see if goals are being met.
 - (v) Develop monitoring procedures to ensure that employers are granting equal employment opportunities to apprentices (these procedures may include reporting systems, on-site reviews, or briefing sessions).

WAC 296-05-415 Affirmative action goals and timetables.

- (1) An affirmative action plan must include goals and timetables. The first step in deciding whether goals and timetables are necessary is the completion of an analysis of the sponsor's program to determine whether there is an underutilization of minorities and/or women in the trade(s) represented by the program. This analysis must be:
 - (a) Conducted by the sponsor with technical assistance provided by the department;
 - (b) In writing; and
 - (c) Included in the sponsor's affirmative action plan.
- (2) If the sponsor's analysis demonstrates that minorities and females are underutilized in the program, the program has an enrollment deficiency

that must be corrected. Enrollment goals and timetables to correct this deficiency must be established and they must be included in the sponsor's affirmative action plan. (See WAC 296-05-433.)

- (3) If the sponsor's analysis demonstrates that no enrollment deficiencies exist, enrollment goals and timetables are not required. However, where no goals and timetables are established, the affirmative action plan must include a detailed explanation why no goals and timetables have been established.

WAC 296-05-417 Selection of apprentices for approved apprenticeship programs.

In addition to development of a written affirmative action plan, the sponsor must submit a written plan for the selection of apprentices. The selection plan must ensure that minorities and women have an equal opportunity to be selected as apprentices and that full utilization and equal opportunity in apprenticeship is achieved promptly. The selection procedures must use one of the methods specified in this section.

- (1) A sponsor may not implement any selection method until the WSATC approves the program's affirmative action plan. In the affirmative action plan, the sponsor must identify the approved selection method it has adopted. The WSATC allows the following selection methods to be used:
 - (a) **Selection on basis of rank from pool of eligible applicants.** With this method, a sponsor selects apprentices from a pool of eligible applicants based upon a rank ordering of applicant qualifying standard scores. A sponsor adopting this method must create a pool of eligible candidates who have either reached the minimum legal working age and meet the sponsor's minimum physical requirements or who have reached the minimum legal working age and meet the sponsor's qualification standards.
 - (b) **Random selection from pool of eligible applicants.** A pool of eligible applicants must be created from persons who have either reached the minimum legal working age and meet the sponsor's minimum physical requirements **or** who have reached the minimum legal working age and meet the sponsor's qualification standards. With WSATC approval, a sponsor may randomly select apprentices from a pool of eligible applicants. This method must be supervised by an impartial person(s) not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, must be publicly announced before the selection takes place. The selection process must be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.
 - (c) **Selection from pool of current employees.** A sponsor may select apprentices from an eligibility pool of program employees. The actual selection process may be prescribed by a collective bargaining agreement where one exists, or by the sponsor's established promotion policy.

- (d) **Alternative selection methods.** In addition to the above specified methods, the WSATC allows a sponsor to select apprentices by alternative methods, including its present selection method. However, the sponsor who adopts an alternative method of selection must submit the following information to the apprenticeship supervisor:
- (i) A detailed discussion of the selection method it proposes to use;
 - (ii) A copy of its affirmative action plan;
 - (iii) A copy of its enrollment deficiency analysis; and
 - (iv) If necessary, its goals and timetables for increasing the number of minority and female applicants and apprentices in the program.

The sponsor may not implement any such alternative method until the WSATC has approved the method and the affirmative action program (including its goals and timetables).

When an alternative selection method is used and the training agent selects the apprentices, the employer must sign an agreement with the WSATC, agreeing to comply with the equal employment opportunity requirements of these rules and 29 CFR Part 30.

- (2) Exceptions to selection procedures may be used if:
- (a) An employee of an employer not qualifying as a journey-level worker becomes a training agent, he/she shall be evaluated by the apprenticeship program using constant standard nondiscriminatory means and registered at the appropriate period of apprenticeship based on previous work experience and related training.
 - (b) The individual who signs an authorization card during the organizing effort by an employer wherein fifty percent or more of the employees have signed whether or not the individual is approved as a training agent, an individual not qualifying as a journey-level worker shall be evaluated by the sponsor and registered at the appropriate period of apprenticeship based on previous work experience and related training.
- (3) Organizing statements specified in subsection (2) of this section, that result in direct entry into the apprenticeship program, shall be properly placed within the program selection procedure as an exemption.
- (4) If the WSATC or the department fails to act upon the sponsor's selection method and affirmative action program within thirty days of its submission to the department, the sponsor may implement the selection method until acted upon by the WSATC.

WAC 296-05-419 Qualification standards.

Qualification standards are the criteria, used by sponsors to select applicants into an eligibility pool. These qualification standards and the procedures used to determine the standards must be specified in detail in the sponsor's affirmative action plan and must:

- Identify the specific criteria and attributes used to evaluate applicants;
 - Specify the acceptable scores required for each qualification standard;
 - Demonstrate a direct relationship between each qualification standard, its required score and the expected job performance;
 - Establish a significant statistical relationship between the score required for admission to the pool and the applicant's performance in the apprenticeship program. This statistical relationship must be based upon the procedures discussed in 41 CFR Part 60-3 (Guidelines on employee selection procedures); and
 - Specify that the applicant has achieved an acceptable score on all the qualification. Unless an applicant achieves an acceptable score on all the qualification standards, the applicant will be ineligible for admission to the pool.
- (1) **Aptitude test scores for use as qualification standards.** Aptitude tests may be used as qualification standards; however, any aptitude test score used as a qualification standard must be directly related to apprenticeship job performance. To demonstrate this relationship, there must be a significant statistical relationship between the aptitude test scores required for admission to the pool and performance in the apprenticeship program. In determining this relationship, the sponsor must follow the procedures discussed in 41 CFR Part 60-3. These requirements also apply to any aptitude tests used by a program sponsor and administered either by a state employment agency or any person, agency or organization engaged in the selection or evaluation of personnel. If a national aptitude test is developed and administered by a national apprenticeship committee, it must meet these requirements before it will be approved by the United States Department of Labor.
- (2) **Educational achievements for use as qualification standards.** Educational achievements can be used as qualification standards; however, all such achievements used to determine admission to a program pool must be directly related to apprenticeship job performance. This direct relationship must be demonstrated by a significant statistical relationship between the achievement scores required for admission and expected performance in the apprenticeship program. In demonstrating such a statistical relationship, the sponsor must meet the requirements of 41 CFR Part 60-3.
- Official school records or a certified passing grade on a general educational development (GED) test recognized by state or local public instruction officials shall be evidence of educational achievement. These education achievement requirements must be uniformly applied to all applicants.
- (3) **Role of the interview in the applicant selection process.** Interviews must not be used as a qualification standard for admission to an eligibility pool for programs using the selection methods described in WAC 296-05-417 (1) and (2). However, after an applicant is placed in a pool and before selections are made from that pool, an applicant can be interviewed. When interviews are conducted, they must:
- (a) Consist only of objective questions relevant to the applicant's fitness for the apprenticeship program.

- (b) Not include questions related to qualifications previously used to determine entrance to the pool.
- (c) Require each interviewer to record the questions and the general nature of the applicant's answers.
- (d) Require each interviewer to prepare a summary of any interview conclusions.

Adequate records of the interviews must be kept including a brief summary and conclusion and how the specific factors like applicant motivation, ambition, and willingness to accept direction affected the interviewer's final decision.

(4) **Examples of qualification standards include:**

- Standardized aptitude tests;
- School diplomas or the equivalent;
- Health requirements essential to the chosen occupation; Interviews conducted in a fair manner (see subsection (3) of this section);
- School grades; and
- Previous work experience.

In applying these standards, the sponsor must meet the requirements of 41 CFR Part 60-3.

WAC 296-05-427 Notification requirements.

All applicants who meet the program admission requirements must be notified that they have been placed in an eligibility pool. All program sponsors must give a written notice of rejection to each applicant who is not selected for either an eligibility pool or the apprenticeship program. This rejection notice must include the reasons for rejection, the admission requirements for those admitted to the pool or program and the appeal procedures available.

WAC 296-05-429 Existing lists of eligibles and public notice.

- (1) A sponsor who adopts a selection method under WAC 296-05-417 must conduct an enrollment deficiency analysis (see WAC 296-05-433). If, as a result of this analysis, the sponsor concludes that there are fewer minorities and/or women on its existing pools and lists than there should be, these pools and lists must be discarded.
- (2) Once the existing pools and lists have been discarded, new eligibility pools must be established and lists must be posted at the sponsor's place of business. Sponsors must allow at least a two-week period for accepting applications for admission to the apprenticeship program. There must be at least thirty days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see WAC 296-05-411).
- (3) Once an applicant has been placed in an eligibility pool, they must be retained on the eligibility lists for two years unless they request, in writing, that they be removed or unless they fail to respond to an apprentice job opportunity mailed to applicant's last known address by certified mail, return receipt requested. It is the applicant's responsibility to keep the

- sponsor informed of the applicant's current mailing address. A sponsor, upon receiving a written request from a former applicant whose name was removed from an eligibility list, may restore the applicant's name to the list.
- (4) Applicants who have been accepted in the program must be given a reasonable time in which to report for work. A "reasonable time" will be interpreted in light of the customs and practices of the industry for reporting for work. All applicants must be treated equally in the determination and application of "a reasonable time."

WAC 296-05-431 Affirmative action records of the WSATC retained by the department.

The WSATC must keep the following types of records in the apprenticeship supervisor's office:

- (1) Registration requirements;
- (2) Individual program standards;
- (3) Registration records;
- (4) Program compliance reviews and investigations;
- (5) Any other records pertinent to the determination of compliance with these rules; and
- (6) Any records that must be reported to the United States Department of Labor.

The records required by these rules and any other information relevant to compliance with 29 CFR Part 30 must be maintained for five years. Also, these records and related information must be made available upon request to the United States Department of Labor or other authorized representatives.

WAC 296-05-433 Enrollment deficiency analysis.

- (1) In analyzing a program to determine whether a deficiency exists, the sponsor must consider at least the following factors:
 - (a) The percentage of the working age minority and female population in the program sponsor's labor market area;
 - (b) The percentage of the minority and female labor force in the program sponsor's labor market area;
 - (c) The percentage of the minority and female apprentices participating in a particular trade or craft compared to the percentage of minorities and women in the labor force in the program sponsor's labor market area;
 - (d) The percentage of minorities and women participating as journey-level employee(s) employed by the employer(s) participating in the program as compared with the percentage of minorities and women in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and
 - (e) The general availability of minorities and women in the sponsor's labor market that have present or potential capacity for apprenticeship in the program sponsor's labor market area.

- (2) To calculate the above percentage(s) or any other percentages for the analysis, the sponsor must use the following formula: Divide the number of minority individuals or females in a particular classification in the labor force or population by the total labor force or population

WAC 296-05-435 Data and information.

- (1) The apprenticeship supervisor must provide program sponsors with data and information on minorities and women labor force characteristics generated by the employment security department or the office of financial management. This information is available for standard metropolitan statistical areas as well as special statistical areas.
- (2) The specific data used to calculate the percentages in WAC 296-05-433 must be obtained from records maintained by apprenticeship committees.

WAC 296-05-437 Developing and evaluating enrollment goals and timetables.

- (1) Goals and timetables must be based upon the sponsor's enrollment analysis of its underutilization of minorities and women and its entire affirmative action program. Specific enrollment goals for minorities and a separate single goal for women may be acceptable unless a particular group is employed in a substantially disparate manner. In such a case, separate goals must be established for the disparate group. An example of such a situation would be where a specific minority group of women were underutilized even though the sponsor had achieved its enrollment goals for women generally. A separate, additional goal should be established to increase the enrollment of this specific group.
- (2) In establishing the enrollment goals and timetables, the sponsor should establish reasonable goals that can be achieved through a good faith effort.
- (3) In evaluating whether a sponsor has satisfied the affirmative action requirements of these rules, the WSATC must determine whether the sponsor has made a good faith effort to do so.
- (4) The sponsor's good faith efforts shall be judged by whether the sponsor is following its affirmative action program and attempting to make it work. A specific example of a good faith effort by a sponsor would be when a sponsor conducts evaluations of its affirmative action program and makes the necessary changes to achieve success in the attainment of its goals.

WAC 296-05-439 Failure to meet goals and timetables.

- (1) If a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program in order to obtain maximum effectiveness toward the attainment of its goals.
- (2) If the WSATC determines the failure of a sponsor to meet its goals and timetables is substantially a result of the enrollment selection method adopted, the sponsor may be required to develop and adopt a WSATC prescribed selection method.

- (3) If a sponsor's failure to meet its goals is substantially a result of the qualification standard it used to select minorities and/or women, the sponsor may be required to show that the qualification standards directly relate to job performance. Specifically, the sponsor will be expected to demonstrate a significant statistical relationship between the qualification standards used and the required job performance. This statistical relationship must be based upon the procedures discussed in 41 CFR Part 60-3 (Guidelines on employee selection procedures)

WAC 296-05-441 Noncompliance with federal and state equal opportunity requirements.

When a compliance review concludes that a sponsor is not operating according to the federal or state laws or regulations requiring equal opportunity, the apprenticeship supervisor must take action. Such action must include:

- (1) Notifying the sponsor in writing of the review results;
- (2) Making a reasonable effort to secure voluntary compliance from the program sponsor; and
- (3) Giving the sponsor a reasonable amount of time to comply with the review recommendations before undertaking sanctions under WAC 296-05-013.

WAC 296-05-443 Complaint filing.

- (1) Any apprentice or applicant for apprenticeship who believes they have been discriminated against may file a complaint. The basis of the complaint may be:
 - (a) Discrimination on the basis of race, sex, color, religion, national origin, age, disability or as otherwise specified by law by a sponsor or a sponsor's program;
 - (b) The equal opportunity standards have not been followed; or
 - (c) The sponsor's affirmative action plan does not comply with the requirements of this chapter.
- (2) A complaint may be filed in person or through an authorized representative. The complainant may choose to file a complaint with the WSATC or with a private review panel as established in WAC 296-05-445.
- (3) A complaint must be in writing and shall be signed by the complainant. The complaint must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances leading to the complaint.
- (4) The complaint must be filed not later than one hundred eighty days from the date of the alleged discrimination or violation of the sponsor's affirmative action plan or the rules of this chapter. If a complaint is initially filed with the private review panel and the complainant later wishes to refer the complaint to the WSATC, the referral must occur within one hundred eighty days of the circumstances leading to the complaint or within thirty days of the private review panel's final decision, whichever is later. If good cause is shown, the WSATC may extend these time periods.

WAC 296-05-445 Private review panels.

Sponsors may establish private review panels to resolve affirmative action complaints. The WSATC encourages sponsors to establish, fair, speedy, and effective procedures for the operation of the private review panel. Private review panels should be comprised of three or more responsible persons from the community who will serve without compensation. They should not be directly associated with the administration of an apprenticeship program. If necessary, sponsors may join together to establish a private review panel.

WAC 296-05-447 Processing of complaints.

- (1) All approved programs must establish procedures explaining the program's complaint review process. These procedures must comply with the requirements of this section. Each sponsor must give a copy of the complaint procedures to each apprenticeship applicant and to all enrolled apprentices.
- (2) When the apprenticeship supervisor receives a complaint and the sponsor has a private review panel in place, the complaint must be referred to the panel unless the complainant chooses otherwise or unless the council concludes that the panel will not satisfactorily resolve the complaint.
- (3) Once the complaint is referred to the private review panel, the panel has no more than thirty days to resolve it. At the end of the period, the supervisor will obtain the reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily resolved and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties formally notified.
- (4) If the private review panel has not satisfactorily resolved the complaint within ninety days, the WSATC may conduct a compliance review and take all necessary steps to resolve the complaint.
- (5) If the review panel satisfactorily resolves the complaint but there is evidence that the equal opportunity practices of the sponsor's program are not in compliance with the requirements of this chapter, the council must conduct a compliance review and take all steps necessary to bring the program into compliance.
- (6) When a private review panel does not exist, the WSATC may conduct a compliance review to determine the facts of the complaint and any other information necessary to resolve the dispute.
- (7) If the WSATC believes that satisfactorily resolving a complaint requires a change in the time limits established in this section, it can modify the time constraints by adopting special processing procedures. However, special processing procedures must only be adopted when circumstances warrant them and only if they will not prejudice any person or party associated with the complaint.

WAC 296-05-449 Program registration cancellation procedures.

- (1) If the WSATC decides to withdraw a program's registration, it must give written notice to the sponsor that there is reasonable cause, under WAC

296-05-013, to do so.

- (2) If the sponsor requests a hearing, it must be a written request to the apprenticeship supervisor within fifteen days of the receipt of the WSATC's withdrawal notice. When the supervisor receives the sponsor's request, a hearing must be convened. The WSATC's final decision to withdraw a program's registration must be based on the compliance review file and other evidence presented at the hearing. The WSATC may allow the sponsor a reasonable time to achieve voluntary corrective action. If the WSATC decides that the apprenticeship program is not in compliance and that voluntary corrective action is not an option, the program's registration may be withdrawn. If the WSATC decides to withdraw the program's registration, it must make public notice of the order and give written notice to the sponsor. If the withdrawal was the result of complaint proceedings, the WSATC must give written notice of the withdrawal to the complainant as well.

WAC 296-05-451 Reinstatement of program registration.

Any apprenticeship program deregistered as authorized by these rules may be reinstated upon presentation of adequate evidence to the WSATC that the apprenticeship program is operating in compliance with these rules.

WAC 296-05-453 Adoption of consistent state plans.

All apprenticeship programs registered with the WSATC must comply with the requirements of these rules and 29 CFR Part 30. If a program fails to comply or is inconsistent with the requirements of these rules and/or 29 CFR Part 30, the WSATC may disapprove or deregister the program. The WSATC must notify the United States Department of Labor of any state apprenticeship program disapproved and deregistered by it. The state apprenticeship program disapproved or deregistered by the WSATC for noncompliance with the requirements of these rules or 29 CFR Part 30 may, within fifteen days of the receipt of the notice of disapproval or deregistration, appeal to the United States Department of Labor to set aside the determination of the WSATC. The United States Department of Labor must make its determination on the basis of the record. The United States Department of Labor may grant the state program sponsor, the state apprenticeship and training, and the complainant, if any, the opportunity to present oral or written argument.

WAC 296-05-455 Intimidatory or retaliatory acts.

- (1) Any intimidation, threat, coercion, or retaliation by or with the approval of a sponsor, against a person who has exercised rights or privilege under Title VII of the Civil Rights Act of 1964 as amended or the amended Executive Order 11246 is a violation of the equal opportunity standards of these rules. Such acts may be investigated by the WSATC and, if appropriate, will be prosecuted.
- (2) Identity of a complainant must be kept confidential except when it is necessary to carry out the intent of these rules, for example, the need to conduct an investigation, hearing, or judicial proceeding.

WAC 296-05-457 Exemptions.

A sponsor may request an exemption from Part D of these rules. The request may ask exemption from all of the section or from selected ones. The request must be in writing and must be addressed to the apprenticeship supervisor. It must explain why an exemption is needed. An exemption may be granted either by the WSATC or by the secretary of the United States Department of Labor, but can only be granted for good cause. If the WSATC approves an exemption that affects a substantial number of employers, it must notify the United States Department of Labor explaining why the exemption was allowed.

**U.S. Department of Labor
Code of Federal Regulations
Labor Standards for the Registration of Apprenticeship
Programs
Title 29 - Part 29**

Authority: Sec. 1, 50 Stat. 664, as amended (29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301); Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (5 U.S.C. App., p. 534).

Source: 42 FR 10139, Feb. 18, 1977, unless otherwise noted.

29 CFR 29.1 - Purpose and scope.

- (a) The National Apprenticeship Act of 1937, section 1 (29 U.S.C. 50), authorizes and directs the Secretary of Labor ``to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare * * *." Section 2 of the Act authorizes the Secretary of Labor to ``publish information relating to existing and proposed labor standards of apprenticeship," and to ``appoint national advisory committees * * *." (29 U.S.C. 50a).
- (b) The purpose of this part is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, or acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. These labor standards, policies and procedures cover the registration, cancellation and deregistration of apprenticeship programs and of apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.
- (c) For further information about this part 29, contact: Deputy Administrator, Bureau of Apprenticeship and Training, Employment and Training Administration, Room 5000, Patrick Henry Building, Washington, DC 20213, Telephone number (202) 376-6585.

29 CFR 29.2 - Definitions.

As used in this part:

- (a) Department shall mean the U.S. Department of Labor.
- (b) Secretary shall mean the Secretary of Labor or any person specifically designated by him.
- (c) Bureau shall mean the Bureau of Apprenticeship and Training, Employment and Training Administration.
- (d) Administrator shall mean the Administrator of the Bureau of Apprenticeship and Training, or any person specifically designated by him.
- (e) Apprentice shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in Sec. 29.4 under standards of apprenticeship fulfilling the requirements of Sec. 29.5.
- (f) Apprenticeship program shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.
- (g) Sponsor shall mean any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.
- (h) Employer shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.
- (i) Apprenticeship committee shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be joint, i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be unilateral or non-joint and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.
- (j) Apprenticeship agreement shall mean a written agreement between an apprentice and either his employer, or an apprenticeship committee acting as agent for employer(s), which agreement contains the terms and conditions of the employment and training of the apprentice.
- (k) Federal purposes includes any Federal contract, grant, agreement or

arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

- (l) Registration of an apprenticeship program shall mean the acceptance and recording of such program by the Bureau of Apprenticeship and Training, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.
- (m) Registration of an apprenticeship agreement shall mean the acceptance and recording thereof by the Bureau or a recognized State Apprenticeship Agency as evidence of the participation of the apprentice in a particular registered apprenticeship program.
- (n) Certification shall mean written approval by the Bureau of:
 - (1) A set of apprenticeship standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as substantially conforming to the standards of apprenticeship set forth in Sec. 29.5; or
 - (2) An individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.
- (o) Recognized State Apprenticeship Agency or recognized State Apprenticeship Council shall mean an organization approved by the Bureau as an agency or council which has been properly constituted under an acceptable law or Executive order, and has been approved by the Bureau as the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for Federal purposes.
- (p) State shall mean any of the 50 States of the United States, the District of Columbia, or any territory or possession of the United States.
- (q) Related instruction shall mean an organized and systematic form of instruction designed to provide the apprenticeship with knowledge of the theoretical and technical subjects related to his/her trade.
- (r) Cancellation shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.
- (s) Registration agency shall mean the Bureau or a recognized State Apprenticeship Agency.

29 CFR 29.3 - Eligibility and procedure for Bureau registration of a program.

- (a) Eligibility for various Federal purposes is conditioned upon a program's conformity with apprenticeship program standards published by the Secretary of Labor in this part. For a program to be determined by the Secretary of Labor as being in conformity with these published standards the program must be registered with the Bureau or registered with and/or approved by a State Apprenticeship Agency or Council recognized by the Bureau. Such determination by the Secretary is made only by such registration.
- (b) No apprenticeship program or agreement shall be eligible for Bureau registration unless (1) it is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in Sec. 29.4 herein, and (2) it is in conformity with the requirements of the Department's regulation on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR part 30, as amended.
- (c) Except as provided under paragraph (d) of this section, apprentices must be individually registered under a registered program. Such registration may be effected:
 - (1) By filing copies of each apprenticeship agreement; or
 - (2) Subject to prior Bureau approval, by filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.
- (d) The names of persons in their first 90 days of probationary employment as an apprentice under an apprenticeship program registered by the Bureau or a recognized State Apprenticeship Agency, if not individually registered under such program, shall be submitted immediately after employment to the Bureau or State Apprenticeship Agency for certification to establish the apprentice as eligible for such probationary employment.
- (e) The appropriate registration office must be promptly notified of the cancellation, suspension, or termination of any apprenticeship agreement, with cause for same, and of apprenticeship completions.
- (f) Operating apprenticeship programs when approved by the Bureau shall be accorded registration evidenced by a Certificate of Registration. Programs approved by recognized State Apprenticeship Agencies shall be accorded registration and/or approval evidenced by a similar certificate or other written indicia. When approved by the Bureau, national apprenticeship standards for policy or guideline use shall be accorded certification, evidenced by a certificate attesting to the Bureau's approval.
- (g) Any modification(s) or change(s) to registered or certified programs shall

be promptly submitted to the registration office and, if approved, shall be recorded and acknowledged as an amendment to such program.

- (h) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or no objection to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The registration agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.
- (i) Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.

(Approved by the Office of Management and Budget under control number 1205-0223) [42 FR 10139, Feb. 18, 1977; 42 FR 30836, June 17, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

29 CFR 29.4 - Criteria for apprenticeable occupations.

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

- (a) It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.
- (b) It is clearly identified and commonly recognized throughout an industry.
- (c) It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.
- (d) It requires related instruction to supplement the on-the-job training.

29 CFR 29.5 - Standards of apprenticeship.

An apprenticeship program, to be eligible for registration/approval by a registration/approval agency, shall conform to the following standards:

- (a) The program is an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, as defined in this part, and

subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

- (b) The program standards contain the equal opportunity pledge prescribed in 29 CFR 30.3(b) and, when applicable, an affirmative action plan in accordance with 29 CFR 30.4, a selection method authorized in 29 CFR 30.5, or similar requirements expressed in a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department, and provisions concerning the following:
 - (1) The employment and training of the apprentice in a skilled trade;
 - (2) A term of apprenticeship, not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice;
 - (3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;
 - (4) Provision for organized, related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours for each year of apprenticeship is recommended. Such instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value, or other forms of self-study approved by the registration/approval agency.
 - (5) A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired. The entry wage shall be not less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement;
 - (6) Periodic review and evaluation of the apprentice's progress in job performance and related instruction; and the maintenance of appropriate progress records;
 - (7) The numeric ratio of apprentices to journeymen consistent with proper supervision, training, safety, and continuity of employment, and applicable provisions in collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant;
 - (8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward

completion of apprenticeship;

- (9) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction;
- (10) The minimum qualifications required by a sponsor for persons entering the apprenticeship program, with an eligible starting age not less than 16 years;
- (11) The placement of an apprentice under a written apprenticeship agreement as required by the State apprenticeship law and regulation, or the Bureau where no such State law or regulation exists. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;
- (12) The granting of advanced standing or credit for previously acquired experience, training, or skills for all applicants equally, with commensurate wages for any progression step so granted;
- (13) Transfer of employer's training obligation when the employer is unable to fulfill his obligation under the apprenticeship agreement to another employer under the same program with consent of the apprentice and apprenticeship committee or program sponsor;
- (14) Assurance of qualified training personnel and adequate supervision on the job;
- (15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;
- (16) Identification of the registration agency;
- (17) Provision for the registration, cancellation and deregistration of the program; and requirement for the prompt submission of any modification or amendment thereto;
- (18) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the registration office of persons who have successfully completed apprenticeship programs; and notice of cancellations, suspensions and terminations of apprenticeship agreements and causes therefor;
- (19) Authority for the termination of an apprenticeship agreement during the probationary period by either party without stated cause;
- (20) A statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR part 30, as amended, or a State EEO in apprenticeship plan adopted pursuant to 29 CFR part 30 and approved by the

Department;

- (21) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;
- (22) Recording and maintenance of all records concerning apprenticeship as may be required by the Bureau or recognized State Apprenticeship Agency and other applicable law.

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[42 FR 10139, Feb. 18, 1977; 42 FR 30836, June 17, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

29 CFR 29.6 - Apprenticeship agreement.

The apprenticeship agreement shall contain explicitly or by reference:

- (a) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor.
- (b) The date of birth of apprentice.
- (c) Name and address of the program sponsor and registration agency.
- (d) A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and term (duration) of apprenticeship.
- (e) A statement showing (1) the number of hours to be spent by the apprentice in work on the job, and (2) the number of hours to be spent in related and supplemental instruction which is recommended to be not less than 144 hours per year.
- (f) A statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.
- (g) A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated.
- (h) Statements providing:
 - (1) For a specific period of probation during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the registration agency;
 - (2) That, after the probationary period, the agreement may be cancelled at the request of the apprentice, or may be suspended,

cancelled, or terminated by the sponsor, for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the registration agency of the final action taken.

- (i) A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement.
- (j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, or sex.
- (k) Name and address of the appropriate authority, if any, designated under the program to receive, process and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established trade procedure or applicable collective bargaining provisions.

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[42 FR 10139, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

29 CFR 29.7 - Deregistration of Bureau-registered program.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration, or upon reasonable cause, by the Bureau instituting formal deregistration proceedings in accordance with the provisions of this part.

- (a) Request by sponsor. The registration officer may cancel the registration of an apprenticeship program by written acknowledgment of such request stating, but not limited to, the following matters:
 - (1) The registration is canceled at sponsor's request, and effective date thereof;
 - (2) That, within 15 days of the date of the acknowledgment, the sponsor shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the de-registration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

(b) Formal deregistration--

- (1) Reasonable cause. Deregistration proceedings may be undertaken

when the apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions or the requirements of this part, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions under 29 CFR part 30, as amended;

- (2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the registration officer shall so notify the program sponsor in writing;
- (3) The notice shall:
 - (i) Be sent by registered or certified mail, with return receipt requested;
 - (ii) State the shortcoming(s) and the remedy required; and
 - (iii) State that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days;
- (4) Upon request by the sponsor for good cause, the 30-day term may be extended for another 30 days. During the period for correction, the sponsor shall be assisted in every reasonable way to achieve conformity;
- (5) If the required correction is not effected within the allotted time, the registration officer shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:
 - (i) The notice is sent pursuant to this subsection;
 - (ii) Certain deficiencies (stating them) were called to sponsor's attention and remedial measures requested, with dates of such occasions and letters; and that the sponsor has failed or refused to effect correction;
 - (iii) Based upon the stated deficiencies and failure of remedy, a determination of reasonable cause has been made and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing;
 - (iv) If a request for a hearing is not made, the entire matter will be submitted to the Administrator, BAT, for a decision on the record with respect to deregistration.
- (6) If the sponsor has not requested a hearing, the registration officer shall transmit to the Administrator, BAT, a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and

copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record before him.

- (7) If the sponsor requests a hearing, the registration officer shall transmit to the Secretary, through the Administrator, a report containing all the data listed in paragraph (b)(6) of this section. The Secretary shall convene a hearing in accordance with Sec. 29.9; and shall make a final decision on the basis of the record before him including the proposed findings and recommended decision of the hearing officer.
- (8) At his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with the registered provisions or requirements of this part, the apprenticeship program shall be deregistered. In each case in which reregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor.
- (9) Every order of deregistration shall contain a provision that the sponsor shall, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice or his/her individual registration; and that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

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29 CFR 29.8 - Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this part. Such evidence shall be presented to the Administrator, BAT, if the sponsor had not requested a hearing, or to the Secretary, if an order of deregistration was entered pursuant to a hearing.

29 CFR 29.9 - Hearings.

- (a) Within 10 days of his receipt of a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include:

- (1) A reasonable time and place of hearing,
 - (2) A statement of the provisions of this part pursuant to which the hearing is to be held, and
 - (3) A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.
- (b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his/her case, including such cross-examination as may be appropriate in the circumstances. Hearings officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

29 CFR 29.10 - Limitations.

Nothing in this part or in any apprenticeship agreement shall operate to invalidate:

- (a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establishing higher apprenticeship standards; or
- (b) Any special provision for veterans, minority persons or females in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive order, or authorized regulation.

29 CFR 29.11 - Complaints.

- (a) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints shall be submitted, processed and resolved in accordance with applicable provisions in 29 CFR part 30, as amended, or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR part 30 and approved by the Department.
- (b) Except for matters described in paragraph (a) of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or his/her authorized representative, to the appropriate registration authority, either Federal or State, which has registered and/or approved the program in which the apprentice is enrolled, for review. Matters covered by a collective bargaining agreement are not subject to such review.

- (c) The complaint, in writing and signed by the complainant, or authorized representative, shall be submitted within 60 days of the final local decision. It shall set forth the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.
- (d) The Bureau or recognized State Apprenticeship Agency, as appropriate, shall render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it. During the 90-day period, the Bureau or State agency shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.
- (e) Nothing in this section shall be construed to require an apprentice to use the review procedure set forth in this section.
- (f) A State Apprenticeship Agency may adopt a complaint review procedure differing in detail from that given in this section provided it is proposed and has been approved in the recognition of the State Apprenticeship Agency accorded by the Bureau.

29 CFR 29.12 - Recognition of State agencies.

- (a) The Secretary's recognition of a State Apprenticeship Agency or Council (SAC) gives the SAC the authority to determine whether an apprenticeship program conforms with the Secretary's published standards and the program is, therefore, eligible for those Federal purposes which require such a determination by the Secretary. Such recognition of a SAC shall be accorded by the Secretary upon submission and approval of the following:
 - (1) An acceptable State apprenticeship law (or Executive order), and regulations adopted pursuant thereto;
 - (2) Acceptable composition of the State Apprenticeship Council (SAC);
 - (3) An acceptable State Plan for Equal Employment Opportunity in Apprenticeship;
 - (4) A description of the basic standards, criteria, and requirements for program registration and/or approval; and
 - (5) A description of policies and operating procedures which depart from or impose requirements in addition to those prescribed in this part.
- (b) Basic requirements. Generally the basic requirements under the matters covered in paragraph (a) of this section shall be in conformity with applicable requirements as set forth in this part. Acceptable State provisions shall:

- (1) Establish the apprenticeship agency in:
 - (i) The State Department of Labor, or
 - (ii) in that agency of State government having jurisdiction of laws and regulations governing wages, hours, and working conditions, or
 - (iii) that State agency presently recognized by the Bureau, with a State official empowered to direct the apprenticeship operation;
- (2) Require that the State Apprenticeship Council be composed of persons familiar with apprenticeable occupations and an equal number of representatives of employer and of employee organizations and may include public members who shall not number in excess of the number named to represent either employer or employee organizations. Each representative so named shall have one vote. Ex officio members may be added to the council but they shall have no vote except where such members have a vote according to the established practice of a presently recognized council. If the State official who directs the apprenticeship operation is a member of the council, provision may be made for the official to have a tie-breaking vote;
- (3) Clearly delineate the respective powers and duties of the State official and of the council;
- (4) Clearly designate the officer or body authorized to register and deregister apprenticeship programs and agreements;
- (5) Establish policies and procedures to promote equality of opportunity in apprenticeship programs pursuant to a State Plan for Equal Employment Opportunity in Apprenticeship which adopts and implements the requirements of 29 CFR part 30, as amended, and to require apprenticeship programs to operate in conformity with such State Plan and 29 CFR part 30, as amended;
- (6) Prescribe the contents of apprenticeship agreements;
- (7) Limit the registration of apprenticeship programs to those providing training in apprenticeable occupations as defined in Sec. 29.4;
- (8) Provide that apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of this part by any recognized State Apprenticeship Agency/Council or by the Bureau, shall be accorded registration or approval reciprocity by any other

State Apprenticeship Agency/Council or office of the Bureau if such reciprocity is requested by the sponsoring entity;

- (9) Provide for the cancellation, de- registration and/or termination of approval of programs, and for temporary suspension, cancellation, deregistration and/or termination of approval of apprenticeship agreements; and
 - (10) Provide that under a program proposed for registration by an employer or employers' association, and where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgment of union agreement or no objection to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The State agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.
- (c) Application for recognition. A State Apprenticeship Agency/Council desiring recognition shall submit to the Administrator, BAT, the documentation specified in Sec. 29.12(a) of this part. A currently recognized Agency/Council desiring continued recognition by the Bureau shall submit to the Administrator the documentation specified in Sec. 29.12(a) of this part on or before July 18, 1977. An extension of time within which to comply with the requirements of this part may be granted by the Administrator for good cause upon written request by the State agency but the Administrator shall not extend the time for submission of the documentation required by Sec. 29.12(a). The recognition of currently recognized Agencies/Councils shall continue until July 18, 1977 and during any extension period granted by the Administrator.
- (d) Appeal from denial of recognition. The denial by the Administrator of a State agency's application for recognition under this part shall be in writing and shall set forth the reasons for the denial. The notice of denial shall be sent to the applicant by certified mail, return receipt requested. The applicant may appeal such a denial to the Secretary by mailing or otherwise furnishing to the Administrator, within 30 days of receipt of the denial, a notice of appeal addressed to the Secretary and setting forth the following items:
- (1) A statement that the applicant appeals to the Secretary to reverse the Administrator's decision to deny its application;
 - (2) The date of the Administrator's decision and the date the applicant

received the decision;

- (3) A summary of the reasons why the applicant believes that the Administrator's decision was incorrect;
- (4) A copy of the application for recognition and subsequent modifications, if any;
- (5) A copy of the Administrator's decision of denial. Within 10 days of receipt of a notice of appeal, the Secretary shall assign an Administrative Law Judge to conduct hearings and to recommend findings of fact and conclusions of law. The proceedings shall be informal, witnesses shall be sworn, and the parties shall have the right to counsel and of cross-examination.

The Administrative Law Judge shall submit the recommendations and conclusions, together with the entire record to the Secretary for final decision. The Secretary shall make his final decision in writing within 30 days of the Administrative Law Judge's submission. The Secretary may make a decision granting recognition conditional upon the performance of one or more actions by the applicant. In the event of such a conditional decision, recognition shall not be effective until the applicant has submitted to the Secretary evidence that the required actions have been performed and the Secretary has communicated to the applicant in writing that he is satisfied with the evidence submitted.

- (e) State apprenticeship programs.
 - (1) An apprenticeship program submitted for registration with a State Apprenticeship Agency recognized by the Bureau shall, for Federal purposes, be in conformity with the State apprenticeship law, regulations, and with the State Plan for Equal Employment Opportunity in Apprenticeship as submitted to and approved by the Bureau pursuant to 29 CFR 30.15, as amended;
 - (2) In the event that a State Apprenticeship Agency is not recognized by the Bureau for Federal purposes, or that such recognition has been withdrawn, or if no State Apprenticeship Agency exists, registration with the Bureau may be requested. Such registration shall be granted if the program is conducted, administered and operated in accordance with the requirements of this part and the equal opportunity regulation in 29 CFR part 30, as amended.

(Approved by the Office of Management and Budget under control number 1205-0223) [42 FR 10319, Feb. 18, 1977, as amended at 49 FR 18295, Apr. 30, 1984]

29 CFR 29.13 - Derecognition of State agencies.

The recognition for Federal purposes of a State Apprenticeship Agency or State Apprenticeship Council (hereinafter designated respondent), may be withdrawn for the failure to fulfill, or operate in conformity with, the requirements of this part. Derecognition proceedings for reasonable cause shall be instituted in accordance with the following:

- (a) Derecognition proceedings for failure to adopt or properly enforce a State Plan for Equal Employment Opportunity in Apprenticeship shall be processed in accordance with the procedures prescribed in 29 CFR 30.15.
- (b) For causes other than those under paragraph (a) above, the Bureau shall notify the respondent and appropriate State sponsors in writing, by certified mail, with return receipt requested. The notice shall set forth the following:
 - (1) That reasonable cause exists to believe that the respondent has failed to fulfill or operate in conformity with the requirements of this part;
 - (2) The specific areas of nonconformity;
 - (3) The needed remedial measures; and
 - (4) That the Bureau proposes to withdraw recognition for Federal purposes unless corrective action is taken, or a hearing request mailed, within 30 days of the receipt of the notice.
- (c) If, within the 30-day period, respondent:
 - (1) Complies with the requirements, the Bureau shall so notify the respondent and State sponsors, and the case shall be closed;
 - (2) Fails to comply or to request a hearing, the Bureau shall decide whether recognition should be withdrawn. If the decision is in the affirmative, the Administrator shall forward all pertinent data to the Secretary, together with the findings and recommendation. The Secretary shall make the final decision, based upon the record before him.
 - (3) Requests a hearing, the Administrator shall forward the request to the Secretary, and the procedures under Sec. 29.9 shall be followed, with notice thereof to the State apprenticeship sponsors.
- (d) If the Secretary determines to withdraw recognition for Federal purposes, he shall notify the respondent and the State sponsors of such withdrawal and effect public notice of such withdrawal. The notice to the sponsors shall state that, 30 days after the date of the Secretary's order withdrawing recognition of the State agency, the Department shall cease to recognize, for Federal purposes, each apprenticeship program registered with the State agency

unless, within that time, the State sponsor requests registration with the Bureau. The Bureau may grant the request for registration contingent upon its finding that the State apprenticeship program is operating in accordance with the requirements of this part and of 29 CFR part 30, as amended. The Bureau shall make a finding on this issue within 30 days of receipt of the request. If the finding is in the negative, the State sponsor shall be notified in writing that the contingent Bureau registration has been revoked. If the finding is in the affirmative, the State sponsor shall be notified in writing that the contingent Bureau registration is made permanent.

- (e) If the sponsor fails to request Bureau registration, or upon a finding of noncompliance pursuant to a contingent Bureau registration, the written notice to such State sponsor shall further advise the recipient that any actions or benefits applicable to recognition for Federal purposes are no longer available to participants in its apprenticeship program.
- (f) Such notice shall also direct the State sponsor to notify, within 15 days, all its registered apprentices of the withdrawal of recognition for Federal purposes; the effective date thereof; and that such withdrawal removes the apprentice from coverage under any Federal provision applicable to his/her individual registration under a program recognized or registered by the Secretary of Labor for Federal purposes.
- (g) A State Apprenticeship Agency or Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence that it has fulfilled, and is operating in accordance with, the requirements of this part.

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**U.S. Department of Labor
Code of Federal Regulations
Equal Employment Opportunity In Apprenticeship and Training
Title 29 - Part 30**

Authority: Sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3 CFR 1949-53 Comp. p. 1007.

Source: 43 FR 20760, May 12, 1978, unless otherwise noted

29 CFR 30.1 - Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor and in state apprenticeship programs registered with recognized state apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship. The procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering noncomplying apprenticeship programs. This part also provides policies and procedures for continuation or withdrawal of recognition of state agencies for registering of apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

29 CFR 30.2 - Definitions.

- (a) "Department" means the U.S. Department of Labor.
- (b) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.
- (c) "Apprenticeship program" means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a state apprenticeship program.
- (d) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.
- (e) "Secretary" means the Secretary of Labor, the Assistant Secretary of Labor for Employment and Training, or any person specifically designated

by either of them.

- (f) "State Apprenticeship Council" means a state apprenticeship council or other state agency in any of the 50 states, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.
- (g) "State apprenticeship program" means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.
- (h) "State program sponsor" means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

29 CFR 30.3 - Equal opportunity standards.

- (a) Obligations of sponsors. Each sponsor of an apprenticeship program shall:
 - (1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and
 - (2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and
 - (3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.
- (b) Equal opportunity pledge. Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under title 29 of the Code of Federal Regulations, part 30.
- (c) Programs presently registered. Each sponsor of a program registered with the Department as of the effective date of this part shall within 90 days of that

effective date take the following action:

- (1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section;
 - (2) Adopt an affirmative action plan required by Sec. 30.4; and
 - (3) Adopt a selection procedure required by Sec. 30.5. A sponsor adopting a selection method under Sec. 30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under Sec. 30.5(b)(4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of Sec. 30.5(b)(4)(i)(a).
- (d) Sponsors seeking new registration. A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.
- (e) Programs subject to approved equal employment opportunity programs. A sponsor shall not be required to adopt an affirmative action plan under Sec. 30.4 or a selection procedure under Sec. 30.5 if it submits to the Department satisfactory evidence that it is in compliance with an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship including goals and timetables for women and minorities which has been approved as meeting the requirements of title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.) and its implementing regulations published in title 29 of the Code of Federal Regulations, Chapter XIV or Executive Order 11246, as amended, and its implementing regulations at title 41 of the Code of Federal Regulations, Chapter 60: Provided, That programs approved, modified or renewed subsequent to the effective date of this amendment will qualify for this exception only if the goals and timetables for minorities and women for the selection of apprentices provided for in such programs are equal to or greater than the goals required under this part.
- (f) Program with fewer than five apprentices. A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under Sec. 30.4 or a selection procedure under Sec. 30.5: Provided, That such program was not adopted to circumvent the requirements of this part.

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29 CFR 30.4 - Affirmative action plans.

- (a) Adoption of affirmative action plans. A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.
- (b) Definition of affirmative action. Affirmative action is not mere passive nondiscrimination. It includes procedures, methods, and programs for the identification, positive recruitment, training, and motivation of present and potential minority and female (minority and nonminority) apprentices including the establishment of goals and timetables. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of the work potential of minorities and women. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.
- (c) Outreach and positive recruitment. An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment that would reasonably be expected to increase minority and female participation in apprenticeship by expanding the opportunity of minorities and women to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph.
 - (1) Dissemination of information concerning the nature of the apprenticeship, requirements for admission to apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semi- annually. Such information shall be given to the Department, local schools, employment service offices, women's centers, outreach programs and community organizations which can effectively reach minorities and women, and shall be published in newspapers which are circulated in the minority community and among women, as well as in the general areas in which the program sponsor operates.

- (2) Participation in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.
- (3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.
- (4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.
- (5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no such programs are in existence the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations. The sponsor shall also initiate programs to prepare women and encourage women to enter traditionally male programs.
- (6) To encourage the establishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.
- (7) Utilization of journeypersons to assist in the implementation of the sponsor's affirmative action program.
- (8) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.
- (9) Admitting to apprenticeship, persons whose age exceeds the maximum age for admission to the program, where such action assists the sponsor in achieving its affirmative action obligations.
- (10) Other appropriate action to ensure that the recruitment, selection, employment, and training of apprentices during apprenticeship shall be without discrimination because of race, color, religion, national

origin, or sex (e.g., general publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority and female apprentices and journeypersons as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to ensure that employment opportunity is being granted, including reporting systems, on-site reviews, briefing sessions, etc.). The affirmative action program shall set forth the specific steps the sponsor intends to take, in the above areas, under this paragraph (c). Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) Goals and timetables.

- (1) A sponsor adopting a selection method under Sec. 30.5(b) (1) or (2) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority and/or female (minority and nonminority) applicants into the eligibility pool.
- (2) A sponsor adopting a selection method under Sec. 30.5(b)(3) or (4) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of the underutilization of minorities and/or women in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority and female (minority and nonminority) applicants for the apprenticeship program.
- (3) Underutilization as used in this paragraph refers to the situation where there are fewer minorities and/or women (minority and nonminority) in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in paragraphs (e) (1) through (5) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.
- (4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities or women

(minority and nonminority) within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority and female (minority and nonminority) applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

- (e) Analysis to determine if deficiencies exist. The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.
 - (1) The size of the working age minority and female (minority and nonminority) population in the program sponsor's labor market area;
 - (2) The size of the minority and female (minority and nonminority) labor force in the program sponsor's labor market area;
 - (3) The percentage of minority and female (minority and nonminority) participation as apprentices in the particular craft as compared with the percentage of minorities and women (minority and nonminority) in the labor force in the program sponsor's labor market area;
 - (4) The percentage of minority and female (minority and nonminority) participation as journeypersons employed by the employer or employers participating in the program as compared with the percentage of minorities and women (minority and nonminority) in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices; and
 - (5) The general availability of minorities and women (minority and nonminority) with present or potential capacity for apprenticeship in the program sponsor's labor market area.
- (f) Establishment and attainment of goals and timetables. The goals and timetables shall be established on the basis of the sponsor's analyses of its underutilization of minorities and women and its entire affirmative action program. A single goal for minorities and a separate single goal for women is acceptable unless a particular group is employed in a substantially disparate manner in which case separate goals shall be established for such group. Such separate goals would be required, for example, if a specific minority group of women were underutilized even though the sponsor had achieved its standards for women generally. In establishing the goals, the sponsor should consider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the

sponsor has met its goals within its timetables, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its good faith efforts shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals. However, in order to deal fairly with program sponsors, and with women who are entitled to protection under the goals and timetables requirements, during the first 12 months after the effective date of these regulations, the program sponsor would generally be expected to set a goal for women for the entering year class at a rate which is not less than 50 percent of the proportion women are of the workforce in the program sponsor's labor market area and set a percentage goal for women in each class beyond the entering class which is not less than the participation rate of women currently in the preceding class. At the end of the first 12 months after the effective date of these regulations, sponsors are expected to make appropriate adjustments in goal levels. See 29 CFR 30.8(b).

- (g) Data and information. The Secretary of Labor, or a person or agency designated by the Secretary, shall make available to program sponsors data and information on minority and female (minority and nonminority) labor force characteristics for each Standard Metropolitan Statistical Area and for other special areas as appropriate.

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29 CFR 30.5 - Selection of apprentices.

- (a) Obligations of sponsors. In addition to the development of a written affirmative action plan to ensure that minorities and women have an equal opportunity for selection as apprentices and otherwise ensure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subparagraphs (1) through (4) of paragraph (b) of this section.
- (b) Selection methods. The sponsor shall adopt one of the following methods for selecting apprentices:
 - (1) Selection on basis of rank from pool of eligible applicants—
 - (i) Selection. A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of paragraph (b)(1)(iii) of this section on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical relationship between rank order of scores and performance in the apprenticeship program. In

demonstrating such relationship, the sponsor shall follow the procedures set forth in Guidelines on Employee Selection Procedures published at 41 CFR part 60-3.

- (ii) Requirements. The sponsor adopting this method of selecting apprentices shall meet the requirements of paragraphs (b)(1)(iii) through (vii) of this section.
- (iii) Creation of pool of eligibles. A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age; or from applicants who meet qualification standards in addition to minimum legal working age: Provided, That any additional qualification standards conform with the following requirements:
 - (A) Qualification standards. The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical relationship between the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in 41 CFR part 60-3. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.
 - (B) Aptitude tests. Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical relationships between the score on the aptitude tests required for admission to the pool, and performance in the apprenticeship program. In determining such relationship, the sponsor shall follow the procedures set forth in 41 CFR part 60-3. The requirements of this paragraph (b)(1)(iii)(B) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a state employment agency, or any other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed

and administered by a national joint apprenticeship committee will not be approved by the Department unless such test meets the requirements of this subsection.

- (C) Educational attainments. All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance as shown by a significant statistical relationship between the score required for admission to the pool and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall meet the requirements of 41 CFR part 60-3. School records or a passing grade on the general education development tests recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.
- (iv) Oral interviews. Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in the eligibility pool, and prior to selection for apprenticeship from the pool, he or she may be required to submit to an oral interview. Oral interviews shall be limited to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record the questions and the general nature of the applicant's answers, and shall prepare a summary of any conclusions. Each applicant rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.
- (v) Notification of applicants. All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant who is not selected for the pool or the program notice of his or her rejection, including the reasons for the rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.
- (vi) Goals and timetables. The sponsor shall establish where required by Sec. 30.4(d), percentage goals and timetables for the admission of minorities and women (minority and nonminority) into the pool of eligibles, in accordance with the provisions of Sec. 30.4 (d), (e), and (f).

- (vii) Compliance. A sponsor shall be deemed to be in compliance with its commitments under paragraph (b)(1)(vi) of this section if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every good faith effort to meet its commitments (see Sec. 30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) Random selection from pool of eligible applicants—

- (i) Selection. A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.
- (ii) Requirements. The sponsor adopting this method of selecting apprentices shall meet the requirements of paragraphs (b)(1)(iii) through (v) of this section relating to the creation of pool of eligibles, oral interviews, and notification of applicants.
- (iii) Goals and timetables. The sponsor shall establish, where required by Sec. 30.4(d), percentage goals and time- tables for admission of minorities and women (minority and nonminority) into the pool of eligibles in accordance with the provisions of Sec. 30.4 (d), (e), and (f).
- (iv) Compliance. Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of paragraph (b)(1)(vii) of this section.

(3) Selection from pool of current employees—

- (i) Selection. A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's

established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority and female apprentices, unless the sponsor concludes, in accordance with the provisions of Sec. 30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities and/or women (minority and nonminority) in the apprenticeship of journey person crafts represented by the program.

- (ii) Compliance. Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with provisions of paragraph (b)(1)(vii) of this section.

(4) Alternative selection methods--

- (i) Selection. A sponsor may select apprentices by means of any other method including its present selection method: Provided, That the sponsor meets the following requirements:

- (A) Selection method and goals and timetables. Within 90 days of the effective date of this amendment, the sponsor shall complete development of the revised selection method it proposes to use along with the rest of its written affirmative action program including, where required by Sec. 30.4(d), its percentage goals and timetables for the selection of minority and/or female (minority and nonminority) applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of Sec. 30.4 (d), (e), and (f). The sponsor may not implement any such selection method until the Department has approved the selection method as meeting the requirements of item (B) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Department fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor then may implement the selection method.
- (B) Qualification standards. Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards are fair aptitude tests, school diplomas or equivalent, occupationally essential health requirements, fair interviews, school grades, and previous work

experience. Where interviews are used, adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgement. In applying any such standards, the sponsor shall meet the requirements of 41 CFR part 60-3.

- (ii) Compliance. Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of paragraph (b)(1)(vii) of this section. Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness toward the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minorities and/or women (minority and nonminority) for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of paragraph (b)(1)(iii)(A) of this section.

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29 CFR 30.6 - Existing lists of eligibles and public notice.

A sponsor adopting a selection method under Sec. 30.5(b) (1) or (2) and a sponsor adopting a selection method under Sec. 30.5(b)(4) who determines that there are fewer minorities and/or women (minority and nonminority) on its existing lists of eligibles than would reasonably be expected in view of the analysis described in Sec. 30.4(e) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see Sec. 30.4(c) on affirmative action with respect to dissemination of information). Applicants who

have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by certified mail, return receipt requested. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility of the applicant to keep the sponsor informed of his or her current mailing address. Upon request, a sponsor may restore to the list of eligibles applicants who have been removed from the list or who have failed to respond to an apprenticeship job opportunity.

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29 CFR 30.7 - [Reserved]

29 CFR 30.8 - Records.

- (a) Obligations of sponsors. Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, hours including hours of work and, separately, hours of training provided, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.
- (b) Affirmative action plans. Each sponsor must retain a statement of its affirmative action plan required by Sec. 30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of Sec. 30.4. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.
- (c) Qualification standards. Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in Sec. 30.5(b).
- (d) Records of State Apprenticeship Councils. State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program

compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

- (e) Maintenance of records. The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

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29 CFR 30.9 - Compliance reviews.

- (a) Conduct of compliance reviews. The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to Sec. 30.11(b)(1)(i), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits.
- (b) Reregistration. Sponsors seeking reregistration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.
- (c) New registrations. Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.
- (d) Voluntary compliance. Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under Sec. 30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

29 CFR 30.10 - Noncompliance with Federal and state equal opportunity requirements.

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or state laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with Sec. 30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

29 CFR 30.11 - Complaint procedure.

(a) Filing.

- (1) Any apprentice or applicant for apprenticeship who believes that he or she has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his or her selection have not been followed in the operation of an apprenticeship program may, personally or through an authorized representative, file a complaint with the Department, or, at the apprentice's or applicant's election, with a private review body established pursuant to paragraph (a)(3) of this section. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.
- (2) The complaint must be filed not later than 180 days from the date of the alleged discrimination or specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Department must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.
- (3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) Processing of complaints.

(1)

- (i) When the sponsor has designated a review body for reviewing complaints, the Department, unless the complainant has indicated otherwise or unless the Department has determined that the review body will not effectively enforce the equal opportunity standards, shall upon receiving a complaint refer it to the review body.
 - (ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.
 - (iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.
- (2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.
- (3) Sponsors shall provide written notice of the above complaint procedure to all applicants for apprenticeship and all apprentices.

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29 CFR 30.12 - Adjustments in schedule for compliance review or complaint processing.

If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

29 CFR 30.13 - Sanctions.

- (a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with recommendations for the institution of a court action under title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court action as authorized by law.
- (b) Deregistration proceedings shall be conducted in accordance with the following procedures:
 - (1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.
 - (2) If within 15 days of the receipt of the notice provided for in paragraph (b)(1) of this section the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with Sec. 30.16.
 - (3) The Secretary shall make a final decision on the basis of the record, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to Sec. 30.16, the proposed findings and recommended decision of the hearing officer. The Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

29 CFR 30.14 - Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

29 CFR 30.15 - State Apprenticeship Councils.

- (a) Adoption of consistent state plans.

- (1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.
 - (2) Within 60 days of the effective date of these regulations, each State Apprenticeship Council shall complete development of a revised equal opportunity plan which shall be consistent with this part. The revised State plan shall require all state apprenticeship programs registered with the State Apprenticeship Council to comply with the requirements of the revised State plan within 90 days of the effective date of these regulations. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 60 days of the effective date of these regulations a plan implementing the requirements of this part.
 - (3) The Department retains authority to conduct compliance reviews and complaint investigations to determine whether the state plan or any state apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.
 - (4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the state plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all state apprenticeship programs, in accordance with the procedures of deregistration of programs registered by the Department, or refer the matter to the Equal Employment Opportunity Commission or to the Attorney General with a recommendation for the institution of a court action under title VII of the Civil Rights Act of 1964, as amended, or to the Attorney General for other court actions as authorized by law.
 - (5) Each State Apprenticeship Council shall notify the Department of any state apprenticeship program deregistered by it.
 - (6) Any state apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may, within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the state program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.
- (b) Withdrawal of recognition.
- (1) Whenever the Department determines that reasonable cause exists

to believe that State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate state sponsors of this determination, stating specifically wherein the state's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

- (2) If within 15 days of the receipt of the notice provided for in subparagraph (b)(1) of this section the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary shall notify the State Apprenticeship Council of the withdrawal of recognition.
- (3) If within 15 days of the receipt of the notice provided for in subparagraph (b)(1) of this section the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with Sec. 30.16.
- (4) If a hearing is conducted in accordance with Sec. 30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.
- (5) If the Secretary determines to withdraw recognition, for Federal purposes, from the State Apprenticeship Council, the Secretary shall notify the State Apprenticeship Council of this determination. The Secretary shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.
- (6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

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29 CFR 30.16 - Hearings.

- (a) Within 10 days after receiving a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by certified mail, return receipt requested, to the appropriate sponsor (Federal or state registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include: (1) A reasonable time and place of hearing, (2) a statement of the provisions of this part, pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.
- (b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his or her case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

29 CFR 30.17 - Intimidatory or retaliatory acts.

Any intimidation, threat, coercion, or retaliation by or with the approval of any sponsor against any person for the purpose of interfering with any right or privilege secured by title VII of the Civil Rights Act of 1964, as amended, Executive Order 11246, as amended, or because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation proceeding, or hearing under this part shall be considered noncompliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

29 CFR 30.18 - Nondiscrimination.

The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

29 CFR 30.19 - Exemptions.

Request for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor.

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